

CITY PLANNING COMMISSION
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ROBERT D. RIVERS
EXECUTIVE DIRECTOR

LESLIE T. ALLEY
DEPUTY DIRECTOR

City Planning Commission Staff Report

Executive Summary

Zoning Docket 026/19

Applicant: City Council Motion No. M-19-4

Request: Request by City Council Motion M-19-4 for a text amendment to the Comprehensive Zoning Ordinance to incorporate certain recommendations and initiatives contained in the 2018 “Short Term Rental Study,” to specifically provide desired CZO text amendments as follows:

- Establish only two categories for short term rental permitting/licensure and land use – “Residential” and “Commercial”.
 - Residential Short Term Rental License – one type – which is valid in residential zoning districts, subject to the following requirements:
 1. A valid, homestead exemption for the licensed property;
 2. Up to three licenses per lot of record or parcel (appropriate terminology to be recommended by the City Planning Commission); and
 3. Limit rentals to up to three rooms and six total guests per unit.
 - Commercial Short Term Rental Licenses – four types - which are valid in mixed-use and commercial zoning districts, subject to the following requirements:
 - a. Commercial License – Single Unit
 1. A valid, homestead exemption for the licensed unit; and
 2. Limit rentals to up to three rooms and six total guests per unit.
 - b. Commercial License – Small Scale
 1. Less than five total licensed units; and
 2. Limit rentals for up to five rooms and ten guests per unit.

- c. Commercial License – Large Scale Commercial Type 1
 - 1. Five (5) to forty-nine (49) residential units on one lot of record or parcel; and
 - 2. Up to five rooms and ten guests per unit.
 - d. Commercial License – Large Scale Commercial Type 2
 - 1. Fifty (50) or more residential units on one lot of record or parcel; and
 - 2. Up to five rooms and ten guests per unit.
- For “small scale commercial” and “large scale commercial” short term rentals, using research that includes the forthcoming inclusionary zoning financial feasibility study, recommend provisions to create affordable housing.
- For “small scale commercial” and “large scale commercial” short term rentals, recommend spacing restrictions in the mixed-use land use districts, including the possibility of one short term rental permit per block face.
- For “large scale commercial type 1” short term rentals, establish security requirements that include provisions for cameras, lighting, and landscaping.
- For “large scale commercial type 2” short term rentals, establish security requirements that include provisions for cameras, lighting, landscaping, 24/7 on-site security guard(s), and a front desk to be staffed at all times.
- For “large scale commercial” short term rentals, establish additional life safety requirements for units within high rise structures.
 - This includes adequate protection for life safety in every structure as defined in La. R.S. 40:1573, via compliance with applicable rules and regulations contained in the Life Safety Code of the National Fire Protection Association, and Section 518 – Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code, that are applicable to high rise structures. (Similar to Louisiana Revised Statutes 40:1578.6.)
- For “large scale commercial” short term rentals, mandate the placement on the back of the main entry door to the unit a map indicating where the exits are located in case of fire or other emergency. (Similar to Louisiana Revised Statutes 40:1580.)
- For all short term rental units, establish requirements that all sleeping rooms be equipped with a fire/smoke alarm detection system.
- For all short term rental units, establish bed linen requirements, whereby each short term rental unit shall furnish clean and fresh bed linens, unused by any other person since the last laundering thereof, on all beds assigned to the use of

any guest or patron. (Similar to Louisiana Revised Statutes 21:1 Bed Linens.)

- For all short term rental units, establish bathroom and toilet facility sanitation requirements, whereby every owner, manager, or person in charge of the conduct of any short term rental unit shall keep the closets, bathrooms, and toilet facilities provided for the use of its guests and patrons cleaned and maintained in a sanitary condition.
- For all short term rental units, establish anti-discrimination provisions, prohibiting any discrimination based on race, religion, national origin, age, sex, gender identity, sexual orientation, HIV/AIDS, or physical/mental disability. Any such violation shall terminate a STR license.
- Reconcile CZO provisions and regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review.

Location: The proposed text changes would affect regulations that are applied city-wide.

Summary of Proposal:

Zoning Docket 026/19 is a request by City Council Motion M-19-4 for a text amendment to the Comprehensive Zoning Ordinance to adopt certain City Planning Commission staff recommendations and initiatives as contained in the 2018 Short Term Rental Study. The 2018 City Planning Commission Short Term Rental Study analyzed the impacts of short term rentals (STRs) in New Orleans and proposed a regulatory structure to be incorporated into the Comprehensive Zoning Ordinance and City Code. In addition to the recommendations and initiatives contained in the 2018 Short Term Rental Study, City Council Motion M-19-4 directed the City Planning Commission to specifically provide certain amendments to the Comprehensive Zoning Ordinance. The motion suggested the creation of two categories of short term rentals – “Residential” and “Commercial”, those categories are further defined as:

- Residential: Allow up to three residential licenses per lot or parcel in residential zoning districts, with a valid homestead exemption. Maximum rental of three rooms and six total guests per unit.
- Four types of commercial short term rentals;
 - Single Unit: requires valid homestead exemption, maximum rental of three rooms and six total guests.
 - Small Scale: less than five total STR units per lot, maximum rental of five rooms and ten guests per unit.
 - Large Scale Commercial Type 1: five to 49 STR units per lot, maximum rental of five rooms and ten guests per unit.
 - Large Scale Commercial Type 2: 50 or more STR units per lot, maximum rental of five rooms and ten guests per unit.

The 2018 Short Term Rental Study also recommend the creation of two types of short term rentals – residential and commercial, with two subcategories of residential, partial- and whole-unit. The Council Motion proposes allowing up to three licenses per lot of record or parcel, which is an increase from the study’s recommendation of one license per lot of record. Permitting three licenses per lot of record, would allow up to nine guest bedrooms, and 18 guests per lot. This number of guests and bedrooms is comparable to a Principal Bed and Breakfast, which allows up to nine guest bedrooms. Principal Bed and Breakfasts are more intensive uses, and thus are permitted in multi-family, mixed-use or commercial districts. The staff believes that a residential short term rental with a similar number of guest bedrooms and guests should also be restricted to multi-family, mixed-use, and commercial districts. Therefore, the staff recommends creating three types of residential short term rentals; partial-unit, small, and large:

- A **Partial-Unit Residential Short Term Rental**, which would allow partial rental of an owner-occupied dwelling unit with no more than five (5) guest bedrooms for up to ten (10) guests wherever dwelling units are permitted.
- A **Small Residential Short Term Rental**, which would allow rental of an entire dwelling unit with no more than five (5) guest bedrooms for up to ten (10) guests, provided that the property owner lives on-site in another dwelling unit, in most residential districts.
- A **Large Residential Short Term Rental**, which would allow an owner-occupied residential structure to rent up to three whole dwelling units with no more than nine (9) guest bedrooms and eighteen (18) guests in multi-family, mixed-use, and commercial districts.

City Council Motion M-19-4 proposed four types of commercial STR licenses. The four license proposals include one owner-occupied license, and three non-owner occupied licenses that scale upward in the number of units allowed. In its 2018 Short Term Rental Study, the staff recommended one commercial STR license that would allow the rental of one unit with up to five rooms. From a zoning and land use impact perspective, the distinction between the City Council’s proposed short term rental types is greatest between the Single Unit and the Small Scale types. The staff does not believe that there is such a difference between Small Scale and Large Scale Types 1 and 2 to warrant a distinction in the CZO. The difference between the rental of an owner-occupied unit and a unit that is not owner-occupied provides the greatest distinction between short term rentals. The staff does agree, however, that there should be more than one license type allowed in nonresidential districts to account for the differences in scale and intensity of use between nonresidential zoning districts. The staff believes that the large residential STRs discussed above are appropriate in neighborhood-scale commercial corridors, and mixed-use districts and is recommending a limit of one large residential STR per blockface. The staff believes that STRs larger than the proposed large residential short term

rental create essentially the same land-use impacts as would be expected from a hotel, and should be treated similarly. The staff believes that allowances for Commercial STRs should be equalized with that of hotels, as similar land-use impacts are expected.

In addition to the proposed definitions, the City Council Motion also directed the City Planning Commission to recommend provisions to create affordable housing using research that includes the forthcoming inclusionary zoning financial feasibility study. The financial feasibility study did not include any specific focus on commercial STRs, how they may have affected the housing markets in areas where they are located, and how they may be used to leverage the construction of affordable units. The staff recommends further study of the possibility of utilizing commercial STRs as leverage to provide affordable housing units, and including commercial STRs as additional incentive in support of a Mandatory Inclusionary Zoning (MIZ) requirement. The City should also consider the possibility of establishing an impact fee or other mechanism to mitigate the impacts of converting permanent residential uses to other uses, such as STRs. As proposed in the 2018 Short Term Rental Study, the staff is recommending a cap of one unit, or twenty-five percent (25%) of all units, whichever is greater, on the number of units that could be permitted for STR use on any lot or single building constructed across lot lines.

The City Council motion directs the City Planning Commission to reconcile the provisions and regulations in the Comprehensive Zoning Ordinance for uniformity regarding lodging and similar uses, such as bed and breakfasts. The staff recommends allowing short term rentals in the same districts where other lodging types with similar impacts are currently permitted in the Comprehensive Zoning Ordinance. The staff recommends allowing Small Residential Short Term Rentals as permitted uses in the Historic Urban Residential Districts, and because of this, believes that Accessory Bed and Breakfasts should be permitted uses in these districts instead of conditional uses. The Large Residential type should be allowed in districts similar to that of the Principal Bed and Breakfasts, which are allowed in neighborhood corridor business districts and mixed-use districts as permitted uses and conditional uses in certain multi-family districts. Principal Bed and Breakfasts are not allowed in single- and two-family residential districts and are generally not allowed in high-intensity commercial or industrial districts. The staff's recommended Commercial Short Term Rental type should be allowed in the same districts as those similar lodging use types, such as Hotels and Motels, such as the CBD Districts and Commercial Center Districts.

The City Council requested requirements relating to security, cameras, lighting, on-site personnel, staffing, and other impact-related standards for commercial short term rentals. The staff believes that most of these would be addressed by the implementation of the STR Operator license, as recommended by the study. The City Council motion also requested several life safety and sanitary standards, which should be addressed in the City Code, Building Code, or State Law and not in the Comprehensive Zoning Ordinance.

The staff finds the proposed text amendment, as modified by staff, is consistent with the Master Plan and meets the approval standards for text amendments of **Article 4, Section 4.2.E** of the Comprehensive Zoning Ordinance. Therefore, the staff recommends modified approval of Zoning Docket 026/19.

Master Plan:

The proposal is consistent with the Master Plan.

Recommendation:

The staff recommends **MODIFIED APPROVAL**.

Reasons for Recommendation:

1. The requested amendment would provide an amended framework for the regulation of short term rentals by defining more appropriate license types, operational sizes, and suitable zoning districts in the Comprehensive Zoning Ordinance.
2. The requested amendment would better align short term rental regulations with those of similar lodging use including hotels, motels, and bed and breakfasts.
3. The requested text amendment is compatible with the approval standards and is consistent with the Master Plan.

City Planning Commission Meeting
Tuesday, March 12, 2019

CPC Deadline: 05/11/19
CC Deadline: 60 Days from Receipt
City Council Districts: All

PRELIMINARY STAFF REPORT

Zoning Docket: 026/19

To: City Planning Commission

From: Robert Rivers, Executive Director
Paul Cramer, Planning Administrator

Prepared by: Brooke Perry, Larry W. Massey, Jr., and Kelly Butler

Date: March 6, 2019

I. GENERAL INFORMATION

Applicant: City Council Motion No. M-19-4

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 - 1. Less than five total licensed units; and
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- For “large scale commercial” short term rentals, mandate the placement on the back of the main entry door to the unit a map indicating where the exits are located in case of fire or other emergency. (Similar to Louisiana Revised Statutes 40:1580.)
- For all short term rental units, establish requirements that all sleeping rooms be

equipped with a fire/smoke alarm detection system.

- For all short term rental units, establish bed linen requirements, whereby each short term rental unit shall furnish clean and fresh bed linens, unused by any other person since the last laundering thereof, on all beds assigned to the use of any guest or patron. (Similar to Louisiana Revised Statutes 21:1 Bed Linens.)
- For all short term rental units, establish bathroom and toilet facility sanitation requirements, whereby every owner, manager, or person in charge of the conduct of any short term rental unit shall keep the closets, bathrooms, and toilet facilities provided for the use of its guests and patrons cleaned and maintained in a sanitary condition.
- For all short term rental units, establish anti-discrimination provisions, prohibiting any discrimination based on race, religion, national origin, age, sex, gender identity, sexual orientation, HIV/AIDS, or physical/mental disability. Any such violation shall terminate a STR license.
- Reconcile CZO provisions and regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review.

Location: The proposed text changes would affect regulations that are applied city-wide.

Description: Zoning Docket 026/19 considers a text amendment to the Comprehensive Zoning Ordinance to adopt certain City Planning Commission staff recommendations and initiatives in the 2018 Short Term Rental Study. In response to City Council Motion M-18-86, the City Planning Commission conducted research, held a public hearing, met with stakeholders, and recommended comprehensive revisions, of regulations for Short Term Rentals in New Orleans. The staff's recommendations were considered by the City Planning Commission on September 25, 2018, and October 3, 2018. The City Planning Commission made a few modifications to the staff's recommendations by increasing the Neighborhood Housing Improvement Fund fee, adopting a number of editorial amendments requested by the staff, and eliminating the recommended cap on Short Term Rentals in the VCE-1 Vieux Carré Entertainment District. The modified Short Term Rental Study was transmitted to City Council for their consideration.

On January 10, 2019, the City Council adopted Motion M-19-4 directing the City Planning Commission to consider a text amendment to the Comprehensive Zoning Ordinance to adopt certain City Planning Commission recommendations and initiatives in the 2018 Short Term Rental Study. Although the Short Term Rental Study addresses modifications to City Code around the licensing and enforcement of Short Term Rentals, the scope of Motion M-19-4 and this Zoning Docket is limited to the amendments to the Comprehensive Zoning Ordinance recommended in the Study.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3 Action by City Planning Commission** of the Comprehensive Zoning Ordinance.

II. ANALYSIS

A. What is the reason for the text amendment? What area would be affected by the text amendment?

Reason for text amendment

The request from City Council Motion M-19-4 is to consider a text amendment to adopt certain land use and zoning recommendations as stated in the City Planning Commission staff's 2018 Short Term Rental Study, dated October 5, 2018, and others proposed by the City Council into the Comprehensive Zoning Ordinance. The study was conducted in response to City Council Motion M-18-86, which asked the City Planning Commission to provide recommendations for necessary amendments among growing concerns regarding the effects STRs have on communities and neighborhoods in which they are located.

The study provided a thorough review of the City's current STR regulations and included recommendations that would address issues that have emerged in the year since their adoption. The purpose of this text amendment is to further consider the recommendations the staff and Commission made in regards to short term rental land uses and zoning classifications and to incorporate certain changes proposed by the City Council into the text of the Comprehensive Zoning Ordinance.

Area affected

The proposed text amendment would apply to properties located in the Open Space, Rural Development, Historic Core Neighborhoods Residential, Historic Core Neighborhoods Non-Residential, Historic Urban Neighborhoods Residential, Historic Urban Non-Residential, Suburban Neighborhoods Residential, Suburban Neighborhoods Non-Residential, Commercial Center and Institutional Campus, Centers for Industry, and the Central Business zoning districts in the City of New Orleans.

B. What is the existing language of the Comprehensive Zoning Ordinance?

The scope of the Short Term Rental Study included Short Term Rentals regulations as well other lodging and similar uses. The Comprehensive Zoning Ordinance regulates these uses in the District Regulations (**Articles 7 to 17**), the *Use Standards* (**Article 20**), the *Off-Street Parking and Loading Standards* (**Article 22**), and the *Definitions* (**Article 26**). The text related to short term rentals, bed and breakfasts, and similar lodging uses are below.

As amended by recent text amendments and the Short Term Rental Interim Zoning District, here are the current short term rental definitions, use standards, off-street parking requirements, permitted and conditional use permissions, and temporary provisions in the Comprehensive Zoning Ordinance:

Definitions (Article 26)

The current definitions for Short Term Rentals in the Comprehensive Zoning Ordinance are as follows:

Short Term Rental. Rental of all or any portion thereof of a residential dwelling unit for dwelling, lodging or sleeping purposes to one party with duration of occupancy of less than thirty (30) consecutive days. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in this ordinance separately from short term rentals are not considered to be short term rentals. Common bathroom facilities may be provided rather than private baths for each room. A short term rental is further defined as follows:

- A. Short Term Rental, Accessory.** Either (i) an owner occupied dwelling with a principal use as a permanent dwelling unit and which rents no more than three (3) guest rooms and six (6) total guests for overnight paid occupancy as an accessory use, or (ii) an owner-occupied two-family dwelling in which one unit of the two-family dwelling is occupied by the owner with a principal use as the owner's permanent residential dwelling unit and which the other unit of the two-family dwelling is rented with no more than three (3) guest rooms and six (6) total guests as an accessory use. Only one accessory short term rental shall be permitted in any two-family dwelling. For either type of accessory short term rental, the owner shall occupy the unit and be present during the guest's stay.
- B. Short Term Rental, Temporary.** A residential dwelling which rents the entire unit with no more than five (5) guest rooms for overnight paid occupancy as a temporary use not to exceed ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River, where Temporary Short Term Rentals shall be prohibited. No owner or resident is required to be present during the guest's stay.
- C. Short Term Rental, Commercial.** An entire dwelling unit in a non-residential district that rents no more than five (5) guest rooms for overnight paid occupancy.

As part of this text amendment, the City Council motion requested that the staff reconcile provisions of the Comprehensive Zoning Ordinance regarding lodging and similar uses, definitions for those similar uses are provided below:

Bed and Breakfast. A residential structure that provides sleeping rooms for overnight paid occupancy. Bed and breakfast is further defined as follows:

- A. Bed and Breakfast, Accessory.** An owner-occupied building designed as either a single-family or a two-family dwelling that has been converted to a single-family

dwelling, which provides no more than four (4) guest rooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each room.

B. Bed and Breakfast, Principal. An owner- or operator-occupied residential structure that provides no more than nine (9) guest rooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each room.

Hostel. An establishment providing sleeping accommodations for a fee in a sociable accommodation where guests can rent a bed in a dormitory and share bathroom, lounge, and kitchen facilities.

Hotel/Motel. An establishment providing a room for sleeping accommodations for a fee with private bathroom facilities and customary lodging services. Related ancillary uses may include, but are not limited to conference and meeting rooms, restaurants, sale of convenience items, bars, and recreational facilities. Hotels shall be permitted to include units for sale designed or used exclusively for permanent residential use in all districts except in Light Industrial (LI), Heavy Industrial (HI), and Business Industrial Park (BIP) districts.

Timeshare Building. A building containing condominium units, rooms or suites of rooms, with or without culinary facilities and subject to a timeshare plan. The construction of or conversion to timeshare buildings must be registered with the Department of Safety and Permits by applying for a Certificate of Use and Occupancy.

Timeshare Plan. Any plan or program in which the use, occupancy, or possession of one (1) or more condominium units, rooms, or suites of rooms in a timeshare building circulates among various unrelated persons for a specific or discernible period by temporal division of less than a sixty (60) day period in any year for any occupant. Timeshare plans include timeshare ownership plans and timeshare use plans, as follows:

A. Timeshare ownership plan is any arrangement, whether through common ownership, sale or by other means, whereby a person receives an ownership interest in a condominium unit, room, or suite of rooms in a timeshare building.

B. Timeshare use plan is any arrangement, excluding normal hotel operations, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, whereby a person receives the right to use but not an ownership interest in a condominium unit, room, or suite of rooms in a timeshare building.

Use Standards (Article 20)

The use standards for Commercial Short Term Rentals are found in **Article 20** and listed below. The use standards for Accessory Short Term Rentals are in found in **Article 21, Section 21.6 Accessory Structures and Uses** and the use standards for Temporary Short Term Rentals are found in in **Article 21, Section 21.8 Temporary Uses**, both of which are in **Article 21**. The Commercial Short Term Rental use standards are listed below:

20.3.LLL SHORT TERM RENTALS

20.3.LLL.1 SHORT TERM RENTALS GENERAL STANDARDS

- a. In addition to the regulations below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- b. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.
- c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- d. Only one party of guests shall be permitted per short term rental unit.
- e. There shall be an in-town property manager if the owner or operator is out of town during the time of the rental.
- f. Short term rentals shall be considered dwelling units for density purposes and subject to the minimum lot area per dwelling unit requirement of the applicable zoning district.

20.3.LLL.2 SHORT TERM RENTAL, COMMERCIAL STANDARDS

- a. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- b. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.
- c. Up to five (5) bedrooms may be rented to guests and occupancy shall be limited to two (2) guests per bedroom with a maximum ten (10) guests.
- d. No signs are allowed for a Commercial Short Term Rental.

The standards for bed and breakfasts, both principal and accessory are also located in **Article 20**. There are currently no use standards for hotels/motels, hostels, or timeshares.

20.3.I BED AND BREAKFAST

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

20.3.I.1 BED AND BREAKFAST GENERAL STANDARDS (ACCESSORY OR PRINCIPAL)

In any residential district, only one (1) bed and breakfast, whether accessory or principal, is permitted per blockface.

20.3.I.2 BED AND BREAKFAST ACCESSORY STANDARDS

- a. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).
- b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, it may be included in the operation of the bed and breakfast.
- c. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no appearance of a business use other than a permitted sign.
- d. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square feet in area. The sign shall complement the architecture of the structure.
- e. The bed and breakfast is limited to a maximum of four (4) units for overnight accommodation.
- f. Cooking facilities are prohibited in individual guest rooms.
- g. If meals are provided, only registered guests may be served.
- h. Leasing of a common dining area for social events is prohibited.

20.3.I.3 BED AND BREAKFAST PRINCIPAL STANDARDS

- a. Proof of owner or operator occupancy shall be established by submission of proof of a homestead exemption (owner) or legal leasing agreement (operator) submitted to the Department of Safety and Permits.
- b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically used together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, for at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.
- c. All signs shall comply with applicable sign regulations for the zoning district.
- d. The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.
- e. Cooking facilities are prohibited in individual guest rooms.
- f. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.
- g. Leasing of common areas for social events shall be allowed, provided the facility meets all applicable off-street parking requirements and complies with the noise ordinance and all other provisions of the City Code.

Accessory and Temporary Use Standards (Article 21)

The use standards for Accessory Short Term Rentals are in found in **Article 21, Section 21.6 *Accessory Structures and Uses*** and the use standards for Temporary Short Term Rentals are found in in **Article 21, Section 21.8 *Temporary Uses***:

21.6.II ACCESSORY SHORT TERM RENTALS

21.6.II.1 SHORT TERM RENTALS GENERAL STANDARDS

- a. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- b. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit. But in no event shall any Accessory Short Term Rental license be issued in the Vieux Carré, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River.
- c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- d. Only one party of guests shall be permitted per short term rental unit.
- e. The short term rental shall appear outwardly to be a residential dwelling.
- f. Use of the short term rentals for commercial or social events shall be prohibited.
- g. The short term rental shall not adversely affect the residential character of the neighborhood.
- h. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.
- i. Proof of ownership shall be required via a valid homestead exemption.

21.6.II.2 SHORT TERM RENTAL, ACCESSORY STANDARDS

- a. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- b. For partial unit accessory short term rentals, only a portion of the dwelling shall be rented, which shall be limited to three (3) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or six (6) guests total. There shall be at least one bedroom for the fulltime owner-occupant.
- c. For partial unit accessory short term rentals, the owner shall occupy the unit and be present during the party's stay.
- d. For all Accessory Short Term Rentals, proof of owner occupancy shall be required with a homestead exemption.
- e. Where the accessory short term rental occupies one unit of a two-family dwelling, occupancy shall be limited to two (2) guests per bedroom for a total of up to six (6) guests.
- f. No signs are allowed for an Accessory Short Term Rental.

[...]

21.8.C PERMITTED TEMPORARY USES

Table 21-3: Permitted Temporary Uses				
Permitted Temporary Use	District	Timeframe	Hours of Operation	Temporary Use Standards
[...]				
Short Term Rental, Temporary	Any Zoning District where dwelling units are permitted*	Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.		Section 21.8.C.14
[...]				

** In accordance with City Council Motion M-18-195, any issuance or renewal of a Temporary Short Term Rental permit or license is prohibited in the Historic Core Districts, Historic Urban Districts, Central Business Districts, the MU-1 District, and the MU-2 District.*

[...]

21.8.C.14 SHORT TERM RENTAL, TEMPORARY*

21.8.C.14.a SHORT TERM RENTAL GENERAL STANDARDS

1. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
2. All short term rentals shall require a license.
3. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all periods of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.
4. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
5. Only one party of guests shall be permitted per short term rental unit.
6. The short term rental shall appear outwardly to be a residential dwelling.
7. For temporary short term rentals, there shall be an in-town property manager available at all times if the owner or operator is out of town during the time of the rental.
8. Use of the short term rentals for commercial or social events shall be prohibited.
9. The short term rental shall not adversely affect the residential character of the neighborhood.
10. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.
11. If renter occupied and operated, proof of the property owner's consent and signature on the license application shall be required.
12. If renter occupied, the operator shall provide a current rental lease.

21.8.C.14.b SHORT TERM RENTAL, TEMPORARY STANDARDS*

1. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
2. Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.*
3. Up to five (5) bedrooms may be rented to guests.
4. Occupancy shall be limited to two (2) guests per bedroom or ten (10) guests, whichever is less.
5. The entire dwelling can be rented and the permanent resident is not required to be present during the party's stay.
6. No signs are allowed for a Temporary Short Term Rental.

Off-Street Parking and Loading (Article 22)

The parking requirements for short term rentals depend on the type. Temporary Short Term Rentals do not have any parking requirements because they are considered a temporary use. Accessory Short Term Rentals are required to have the same number of parking spaces as the applicable dwelling type. Commercial Short Term Rentals are required to have one parking space per 2 guest rooms, which is equivalent to the parking requirement for a bed and breakfast and hotel/motel. In districts where parking is not required for any use, no off-street parking is required for the short term rental.

22.4 Required Off-Street Vehicle Parking Spaces

22.4.A General Requirements

[...]

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
[...]			
Short Term Rental, Accessory	see applicable dwelling type		
Short Term Rental, Commercial	1 space per 2 guestrooms	1 per 5 rooms	25%
[...]			

The parking requirements for bed and breakfasts and hotel/motels are shown in the table below. There are no parking requirements for timeshares or hostels contained within **Table 22-1**.

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
[...]			
Bed and Breakfast	1 space + 1 per 2 guestrooms (for 3 guestrooms and above)	1 per 5 rooms	25%
[...]			
Hotel/Motel	0.5 per room	1 per 5 rooms	
[...]			

Permitted and Conditional Uses (Articles 7 to 17)

Below are the use tables that show the zoning districts where Commercial Short Term Rentals, and other lodging uses are permitted (“P”), conditional (“C”), and prohibited uses (blank space). Accessory and Temporary Short Term Rentals do not appear in these use tables below because these short term rental types are permitted in a dwelling unit in any zoning district, subject to the definition and use standards for each type.

Article 7 – Open Space District

7.2 Uses

Table 9-1: Permitted and Conditional Uses					
Uses	District				
	OS-N	OS-G	OS-R	NA	GPD
[...]					
COMMERCIAL USE					
[...]					
Hotel/Motel					C
[...]					
[...]					

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses		
Uses	District	
	R-RE	M-MU
[...]		
RESIDENTIAL USE		
[...]		
Bed and Breakfast – Accessory	P	P
Bed and Breakfast – Principal		P
[...]		
Short Term Rental, Commercial		P
[...]		

[...]

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: Permitted and Conditional Uses					
Uses	District				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
RESIDENTIAL USES					
Bed and Breakfast – Accessory			P	P	P
Bed and Breakfast – Principal			C	C	C
[...]					

[...]

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses										
Uses	District									
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU
RESIDENTIAL USE										
[...]										
Bed and Breakfast – Accessory								P	P	P
Bed and Breakfast – Principal								P	P	P
[...]										
Short Term Rental, Commercial			P					P	P	P
[...]										
COMMERCIAL USE										
[...]										
Hostel									P	
Hotel/Motel									P	C
[...]										

[...]

Article 11 – Historic Urban Neighborhood Residential Districts

11.2 Uses

Table 11-1: Permitted and Conditional Uses					
Uses	District				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
RESIDENTIAL USE					
Bed and Breakfast – Accessory	C	C	C	C	C
Bed and Breakfast – Principal				C	C

[...]

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses			
Uses	District		
	HU-B1A	HU-B1	HU-MU
RESIDENTIAL USE			
Bed and Breakfast – Accessory	P	P	P
Bed and Breakfast - Principal	P	P	P
Short Term Rental, Commercial	C	P, C ⁹	P, C ⁹
COMMERCIAL USE			
Hostel			C
Hotel/Motel			C

[...]

Table 12-1 Footnotes

[...]

⁹ Permitted Commercial Short Term Rentals are limited to two (2) on one property; any Commercial STR use greater than two is a conditional use.

[...]

Article 13 – Suburban Neighborhoods Residential Districts

13.2 Uses

Table 13-1: Permitted and Conditional Uses				
Uses	District			
	S-RS	S-RD	S-RM1	S-RM2
RESIDENTIAL USE				
Bed and Breakfast –	P	P	P	P

Table 13-1: Permitted and Conditional Uses				
Uses	District			
	S-RS	S-RD	S-RM1	S-RM2
Accessory				
[...]				

Table 13-1: Permitted and Conditional Uses							
Uses	District						
	S-LRS1	S-LRS2	S-LRS3	S-LDR1	S-LDR2	S-LRM1	S-LRM2
RESIDENTIAL USE							
Bed and Breakfast – Accessory					C	C	C
[...]							

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses								
Uses	District							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	S-MU
RESIDENTIAL USE								
[...]								
Bed and Breakfast – Accessory			P	P	P			C
Bed and Breakfast – Principal			P	P	P			
[...]								
Short Term Rental, Commercial	P	P	P	P	P	P	P	
Timeshare					P			
[...]								
COMMERCIAL USE								
[...]								
Hostel					C			
Hotel/Motel					C		C	
[...]								

[...]

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses									
Uses	District								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
RESIDENTIAL USE									
Bed and Breakfast – Accessory				P	P	P			
Bed and Breakfast – Principal				P	P				
[...]									
Short Term Rental, Commercial	P	P	P	P	P	P	P		P
Timeshare		C		C			C	C	C
[...]									
COMMERCIAL USE									
[...]									
Hostel	P/C ⁸	P	P	P	P	P	P		P
Hotel/Motel	P	P	P	P	P	P	P	P	P
[...]									

[...]

Table 15-1 Footnotes

[...]

⁸ Subject to the use restriction in Section 15.2.B.3: Hostels in a C-1 District that are adjacent to a residential district are conditional uses. Otherwise, hostels are permitted uses in the C-1 District.

[...]

Article 16 – Centers for Industry

16.2 Uses

Table 16-1: Permitted and Conditional Uses				
Uses	District			
	LI	HI	MI	BIP
[...]				
Short Term Rental, Commercial			P*	
Timeshare			P*	
[...]				
COMMERCIAL USE				
[...]				
Hostel				P
Hotel/Motel	P	C	P	P
[...]				
[...]				

* Please note that Commercial Short Term Rentals and Timeshares are only permitted in the MI District's

Commercial and Recreational Sub-District.

[...]

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses							
Uses	District						
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7
RESIDENTIAL USE							
Bed and Breakfast – Accessory	P	P	P		P	P	
Bed and Breakfast – Principal	P	P	P		P	P	
[...]							
Short Term Rental, Commercial	P	P	P	P	P	P	P
Timeshare	P	P	P	P			P
[...]							
COMMERCIAL USE							
[...]							
Hostel	P	P	P	P			P
Hotel/Motel	P	P	P	P	C	P	P
[...]							

[...]

Overlay Districts (Article 18)

18.13 RIV Riverfront Design Overlay District

18.13.H RIV-3 Bywater Sub-District Standards

18.13.H.3 Use Standards and Use Restrictions

[...]

c. Short-Term Rental Restriction

Commercial Short Term Rentals are prohibited within the RIV-3 Bywater Sub-District

[...]

18.13.I RIV-4 Marigny Sub-District Standards

18.13.I.3 Use Standards and Use Restrictions

[...]

c. Short-Term Rental Restriction

Commercial Short Term Rentals are prohibited within the RIV-4 Marigny Sub-District

[...]

19.4.A.1.h SHORT TERM RENTAL INTERIM ZONING DISTRICT

- A. Intent. The intent of the Short Term Rental Interim Zoning District is to temporarily prohibit the issuance or renewal of certain types of Short Term Rental permits or licenses while the City Planning Commission studies the impact and considers revisions to the existing Short Term Rental regulations.
- B. Boundaries. The Short Term Rental Interim Zoning District applies to the Historic Core and Historic Urban zoning districts, both residential and non-residential, the Central Business District zoning districts, the MU-1 Medium Intensity Mixed-Use District, and the MU-2 High Intensity Mixed-Use District.
- C. Limitation on Uses. The Short Term Rental Interim Zoning District prohibits:
 - a. Any issuance or renewal of a Temporary Short Term Rental permit or license, effectively modifying Article 21, Section 21.8.C.
 - b. Any issuance of a Commercial Short Term Rental permit or license for STR-use on the first floor of a multi-story, multi-family, non-residential, or mixed-use building, with the exception of single-family dwellings and two-family dwellings, effectively modifying Article 10, Section 10.2.A - Permitted and Conditional Uses, Article 12, Section 12.2.A - Permitted and Conditional Uses, Article 15, Section 15.2.A - Permitted and Conditional Uses, and Article 17, Section 17.3.A - Permitted and Conditional Uses.
- D. Submittal Requirements. Every appeal shall be made on the forms provided by the City, and shall be accompanied by the payment of the appropriate filing fee, and the data required in such form. The completeness of appeal application shall be determined and the appellant or applicant shall be appropriately notified in accordance with Article 3, Section 3.2.B. of the Comprehensive Zoning Ordinance. The Executive Director of the City Planning Commission may request from the appellant or applicant such additional information and data as may be required to fully advise the Commission, whether such information and data is called for by the official forms or not.
- E. Appeal Procedure. Appeals shall be submitted to the Executive Director of the City Planning Commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following review standards:
 - a. Is the required appeal compatible with the surrounding land uses and structures?
 - b. Does the requested appeal provide for an efficient use of land?
 - c. Will granting the requested appeal increase traffic and safety hazards?
 - d. Does the requested appeal provide for an efficient parking layout?
 - e. Will the requested appeal increase community environmental impacts?The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion.

C. What is the proposed language for amendment?

Motion M-19-4 states its purpose is for the City Planning Commission to conduct a public hearing to consider amending the Comprehensive Zoning Ordinance “to incorporate certain recommendations and initiatives contained in the 2018 Short Term Rental Study.”

The motion asks the City Planning Commission to consider the following text amendments:

- Establish only two categories for short term rental permitting/licensure and land use – “Residential” and “Commercial”.
 - Residential Short Term Rental License – one type – which is valid in residential zoning districts, subject to the following requirements:
 1. A valid, homestead exemption for the licensed property;
 2. Up to three licenses per lot of record or parcel (appropriate terminology to be recommended by the City Planning Commission); and
 3. Limit rentals to up to three rooms and six total guests per unit.
 - Commercial Short Term Rental Licenses – four types - which are valid in mixed-use and commercial zoning districts, subject to the following requirements:
 - a. Commercial License – Single Unit
 1. A valid, homestead exemption for the licensed unit; and
 2. Limit rentals to up to three rooms and six total guests per unit.
 - b. Commercial License – Small Scale
 1. Less than five total licensed units; and
 2. Limit rentals for up to five rooms and ten guests per unit.
 - c. Commercial License – Large Scale Commercial Type 1
 1. Five (5) to forty-nine (49) residential units on one lot of record or parcel; and
 2. Up to five rooms and ten guests per unit.
 - d. Commercial License – Large Scale Commercial Type 2
 1. Fifty (50) or more residential units on one lot of record or parcel; and
 2. Up to five rooms and ten guests per unit.
- For “small scale commercial” and “large scale commercial” short term rentals, using research that includes the forthcoming inclusionary zoning financial feasibility study, recommend provisions to create affordable housing.
- For “small scale commercial” and “large scale commercial” short term rentals, recommend spacing restrictions in the mixed-use land use districts, including the possibility of one short term rental permit per block face.
- For “large scale commercial type 1” short term rentals, establish security requirements that include provisions for cameras, lighting, and landscaping.

- For “large scale commercial type 2” short term rentals, establish security requirements that include provisions for cameras, lighting, landscaping, 24/7 on-site security guard(s), and a front desk to be staffed at all times.
- For “large scale commercial” short term rentals, establish additional life safety requirements for units within high rise structures.
 - This includes adequate protection for life safety in every structure as defined in La. R.S. 40:1573, via compliance with applicable rules and regulations contained in the Life Safety Code of the National Fire Protection Association, and Section 518 – Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code, that are applicable to high rise structures. (Similar to Louisiana Revised Statutes 40:1578.6.)
- For “large scale commercial” short term rentals, mandate the placement on the back of the main entry door to the unit a map indicating where the exits are located in case of fire or other emergency. (Similar to Louisiana Revised Statutes 40:1580.)
- For all short term rental units, establish requirements that all sleeping rooms be equipped with a fire/smoke alarm detection system.
- For all short term rental units, establish bed linen requirements, whereby each short term rental unit shall furnish clean and fresh bed linens, unused by any other person since the last laundering thereof, on all beds assigned to the use of any guest or patron. (Similar to Louisiana Revised Statutes 21:1 Bed Linens.)
- For all short term rental units, establish bathroom and toilet facility sanitation requirements, whereby every owner, manager, or person in charge of the conduct of any short term rental unit shall keep the closets, bathrooms, and toilet facilities provided for the use of its guests and patrons cleaned and maintained in a sanitary condition.
- For all short term rental units, establish anti-discrimination provisions, prohibiting any discrimination based on race, religion, national origin, age, sex, gender identity, sexual orientation, HIV/AIDS, or physical/mental disability. Any such violation shall terminate a STR license.
- Reconcile CZO provisions and regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review.

The City Council motion also directs the City Planning Commission to consider an outright prohibition in most of the French Quarter and an outright prohibition in the Garden District. This proposal will be addressed in a separate text amendment, Zoning Docket 027-19:

- Establish an outright prohibition in the French Quarter, except for the VCE zoning district.

- Establish an outright prohibition in the Garden District.

The City Council motion lists a number of very specific recommendations, though these recommendations are not in a format that would immediately translate into language for an amendment to the CZO. The text amendment request establishes the types of STRs the Council would like to consider and suggested standards for regulations of each type. Additionally, the motion directs the City Planning Commission staff to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

D. Does the text amendment adequately answer the problem that is being addressed; if not, are other modifications necessary?

The section below contains each proposal in City Council Motion M-19-4, followed by an analysis of the proposal, and a recommendation. The end of the section contains suggested text amendments that would implement the staff recommendation.

Definitions

Residential Short Term Rentals

City Council Motion Proposal

Establish only two categories for short term rental permitting/licensure and land use – “Residential” and “Commercial”.

- Residential Short Term Rental License – one type – which is valid in residential zoning districts, subject to the following requirements:
 - A valid, homestead exemption for the licensed property;
 - Up to three licenses per lot of record or parcel (appropriate terminology to be recommended by the City Planning Commission); and
 - Limit rentals to up to three rooms and six total guests per unit.

Table 1: Comparison of City Council Motion & Study Recommendation

Motion M-19-4	Study Recommendation
Residential Short Term Rental License – one type – which is valid in residential zoning districts, subject to the following requirements: <ol style="list-style-type: none"> 1. A valid, homestead exemption for the licensed property; 	Two types of residential short term rentals; partial and whole unit. One license per lot of record. Residential STRs shall be permitted in any district where dwelling units are permitted by the Comprehensive Zoning Ordinance. Short Term Rental, Residential. A short term rental where the owner or resident has his or her permanent

Motion M-19-4	Study Recommendation
<p>2. Up to three licenses per lot of record or parcel (appropriate terminology to be recommended by the City Planning Commission); and</p> <p>3. Limit rentals to up to three rooms and six total guests per unit.</p>	<p>primary residential dwelling unit onsite and is present during the guest's stay.</p> <p>1. Partial-Unit Residential Short Term Rental. An owner- or permanent resident- occupied dwelling with a principal use as a permanent dwelling unit and which rents a portion of the dwelling unit, no more than three (3) guest bedrooms and six (6) total guests, for overnight paid occupancy as an accessory use.</p> <p>2. Whole-Unit Residential Short Term Rental. An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than three (3) guest bedrooms and six (6) total guests for overnight paid occupancy as an accessory use.</p>

Analysis

The City Council Motion calls for one type of residential short term rental that would be valid in “residential zoning districts”, which would require a valid homestead exemption. The 2018 Short Term Rental Study recommended two types of residential short term rentals; a Partial-Unit Residential Short Term Rental that would allow owner-occupant or renter-occupants to rent a portion of their permanent residence; and a Whole-Unit Residential Short Term Rental that would allow entire rental of one dwelling unit on a owner-occupied lot with no more than four dwelling units total. The proposed bedroom limit of up to three guest bedrooms and six total guests per unit is consistent with the study recommendation.

The Council Motion proposes allowing up to three licenses per lot of record or parcel, which is an increase from the study’s recommendation of one license per lot of record. Permitting three licenses per lot of record, would allow up to nine guest bedrooms, and 18 guests per lot. This number of guests and bedrooms is comparable to a Principal Bed and Breakfast, which allows up to nine guest bedrooms. Principal Bed and Breakfasts are more intensive uses, and thus are permitted in multi-family, mixed-use or commercial districts. The staff believes that a residential short term rental with a similar number of guest bedrooms and guests should also be restricted to multi-family, mixed-use, and commercial districts. Therefore, the staff recommends creating three types of residential short term rentals; partial-unit, small, and large.

A partial-unit residential short term rental would allow a portion of the owner’s permanent residence to be rented to guests while the owner is present in any district where residences are permitted. A small residential short term rental would allow rental of one entire dwelling unit per owner-occupied lot of record in low density residential districts. A large residential short term rental would be limited to three dwelling units per owner-occupied lot of record in multi-family, mixed-use, and commercial districts.

The Council Motion also directs City Planning Commission staff to reconcile provisions in the Comprehensive Zoning Ordinance and other regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review.

When considering reconciling provisions, the distinctions in building code should be taken into consideration. The International Residential Code (IRC), published by the International Code Council, is the governing building code for one- and two-family dwellings. The International Building Code (IBC) is also published by the International Code Council and is the governing building code for anything that is not a one- or two-family dwelling. The IBC generally has higher safety standards than the IRC including requirements for smoke and fire alarm systems, sprinkler systems, horizontal and vertical fire separation, fire extinguishers, protected exit stairs and additional means for egress. These standards vary based on the use and occupancy of the proposed structures. As mentioned, most single- and two-family dwellings fall under the International Residential Code; other residential types are addressed in the International Building Code. The IBC distinguishes between four residential occupancy types known as *Residential Group R* (R-1, R-2, R-3, and R-4), which are classified depending on whether the occupants are transient or non-transient in nature, the type and number of dwelling units, and the number of occupants in the facility.¹

Neither the International Residential Code (IRC), nor the International Building Code (IBC) address the how the code should be applied to short term rentals. The staff recommends aligning the classifications for residential STRs in the Comprehensive Zoning Ordinance with the provisions for similar lodging uses in the building code. The interpretation and application of the building code is handled by the Department of Safety and Permits, so the implementation of applying the applicable building code would be handled by the Department of Safety and Permits and not through the Comprehensive Zoning Ordinance. This may require further interpretation by the Department of Safety and Permits or separate legislation by the City Council.

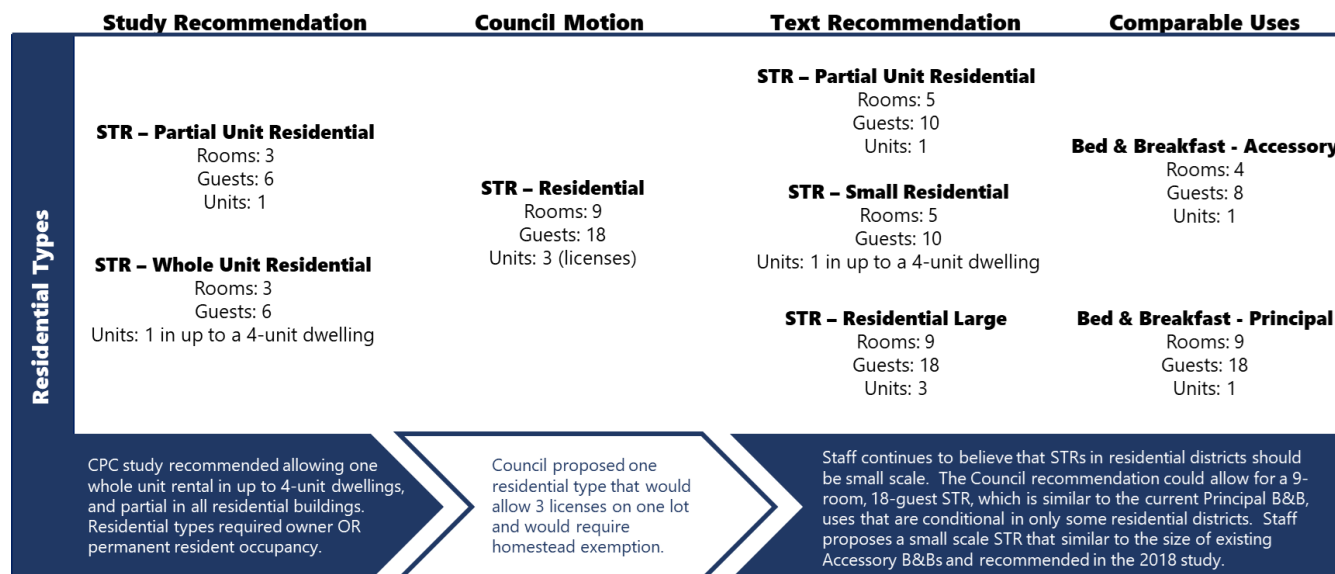
Recommendation

The City Planning Commission staff recommends the following:

- Three types of Residential Short Term Rentals:
 - A **Partial-Unit Residential Short Term Rental**, which would allow partial rental of an owner-occupied dwelling unit with no more than five (5) guest bedrooms for up to ten (10) guests.
 - A **Small Residential Short Term Rental**, which would allow rental of an entire dwelling unit with no more than five (5) guest bedrooms for up to ten (10) guests, provided that the property owner lives on-site in another dwelling unit.
 - A **Large Residential Short Term Rental**, which would allow an owner-occupied residential structure to rent up to three whole dwelling units with no more than nine (9) guest bedrooms and eighteen (18) guests.

¹ The IBC defines *transient* as the occupancy of a dwelling unit or sleeping unit for not more than 30 days.

Figure 1: Study Recommendation, Council Motion, & Text Amendment Recommendation



Commercial Short Term Rentals

City Council Motion Proposal

Commercial Short Term Rentals – four types – which are valid in mixed-use and commercial zoning districts, subject to the following requirements:

- a. Commercial License – Single Unit
 1. A valid, homestead exemption for the licensed unit; and
 2. Limit rentals to up to three rooms and six total guests per unit
- b. Commercial License – Small Scale
 1. Less than five total licensed units; and
 2. Limit rentals for up to five rooms and ten guests per unit.
- c. Commercial License – Large Scale Commercial Type 1
 1. Five (5) to forty-nine (49) residential units on one lot of record or parcel; and
 2. Up to five rooms and ten guests per unit.
- d. Commercial License – Large Scale Commercial Type 2
 1. Fifty (50) or more residential units on one lot of record or parcel; and
 2. Up to five rooms and ten guests per unit

Table 2: Comparison of City Council Motion & Study Recommendation

Motion M-19-4	Study Recommendation
Commercial Short Term Rental Licenses – four types – which are valid in mixed-use and commercial zoning districts, subject to the following requirements:	One type of commercial STR, with the proposed use restrictions below.
	Short Term Rental, Commercial. An entire

Table 2: Comparison of City Council Motion & Study Recommendation

Motion M-19-4	Study Recommendation
<p>a. Commercial License – Single Unit</p> <ol style="list-style-type: none"> 1. A valid, homestead exemption for the licensed unit; and 2. Limit rentals to up to three rooms and six total guests per unit. <p>b. Commercial License – Small Scale</p> <ol style="list-style-type: none"> 1. Less than five total licensed units; and 2. Limit rentals for up to five rooms and ten guests per unit. <p>c. Commercial License – Large Scale Commercial Type 1</p> <ol style="list-style-type: none"> 1. Five (5) to forty-nine (49) residential units on one lot of record or parcel; and 2. Up to five rooms and ten guests per unit. <p>d. Commercial License – Large Scale Commercial Type 2</p> <ol style="list-style-type: none"> 1. Fifty (50) or more residential units on one lot of record or parcel; and 2. Up to five rooms and ten guests per unit. 	<p>dwelling unit in a non-residential district that rents no more than five (5) guest bedrooms for overnight paid occupancy.</p> <p>Location restrictions:</p> <ul style="list-style-type: none"> • Prohibit Commercial Short Term Rentals in the least intensive neighborhood business districts. • Prohibit Commercial STR licenses on the first floor of a multi-story building that can or may contain residential uses on subsequent floors, in historic commercial corridor districts. • The staff recommends imposing a cap of 1 unit or 25% of all units per lot or within a single building constructed across lot lines, whichever is greater in certain zoning districts. The City should further explore using Commercial STRs above the cap as an incentive for the provision of affordable housing units within the same building or lot. • This cap should not apply to the VCE District or properties with frontage along Canal Street between the River and Rampart Street.

Analysis

City Council Motion M-19-4 proposed four types of commercial STR licenses. The four license proposals include one owner-occupied license, and three non-owner occupied licenses that scale upward in the number of units allowed. In its 2018 Short Term Rental Study, the staff recommended one commercial STR license that would allow the rental of one unit with up to five rooms.

The owner-occupied type, the Single Unit Commercial License, would require a homestead exemption and allow up to three bedrooms and six guests. Unless the intent is to allow the property owner to rent the unit without them being onsite, this license type would not be different from the partial license proposed in the previous section. If a property owner has a homestead exemption on the property, it is a residential unit that the person lives in, no matter if it is in a commercial or mixed-use zoning district. The staff believes that the Partial-Unit license proposed in this report would provide an opportunity for a license for residents in commercial and mixed-use districts. Additionally, this residential license type would require the property owner to be present during the period of the rental, which should decrease the potential negative impacts typically associated with these uses.

The City Council's other three commercial license types are named Small Scale and Large Scale Types 1 and 2. The difference between these types is the size of the structure and ranges from less than 5 units, between 5 and 49 units, and greater than 50 units. Each would allow up to 5 bedrooms per unit and two guests per room. This would allow up to 20 guests for the Small Scale, 490 guests for the Commercial Type 1, and greater than 490 guests for Commercial Type 2. The 2018 Short Term Rental Study's recommended commercial license would allow a unit to be rented with up to 5 rooms and 10 occupants, with no limitation on structure size. Rather, the study recommended implementing a 25% cap on the number of STR units that could occupy a structure. The study recommended the cap not be applied to properties in the VCE District or along Canal Street between the Mississippi River and Rampart Street. The study also recommended studying a system that would allow Commercial STRs above the 25% cap in exchange for affordable housing units or by creating a program to assist potential homebuyers in securing gap financing. City Council Motion M-19-4 asked the City Planning Commission to recommend provisions to create affordable housing units from small and large-scale STR types, but did not recommend a specific cap or mechanism for providing affordable housing. Discussion about leveraging short term rentals to provide affordable housing units will be detailed in a subsequent section.

From a zoning and land use impact perspective, the distinction between the City Council's proposed short term rental types is greatest between the Single Unit and the Small Scale types. The staff does not believe that there is such a difference between Small Scale and Large Scale Types 1 and 2 to warrant a distinction in the CZO. The difference between the rental of an owner-occupied unit and a unit that is not owner-occupied provides the greatest distinction between short term rentals. The staff does agree, however, that there should be more than one license type allowed in nonresidential districts to account for the differences in scale and intensity of use between nonresidential zoning districts. The staff believes that the large residential STRs discussed above are appropriate in neighborhood-scale commercial corridors, and mixed-use districts. Principal Bed and Breakfasts are allowed as permitted uses in most neighborhood business districts across the city, and as conditional uses in certain multi-family districts. These uses allow up to 9 rooms, can be owner or operator occupied, and the structure must be converted into a single-family dwelling. Though the number of occupants is not specified in the zoning code, using the rule of thumb of two people per room, Principal Bed and Breakfasts could be occupied by up to 18 guests. The staff believes that this is also an appropriate size for STRs in neighborhood commercial corridors, and recommends that the large residential license type be allowed in these districts.

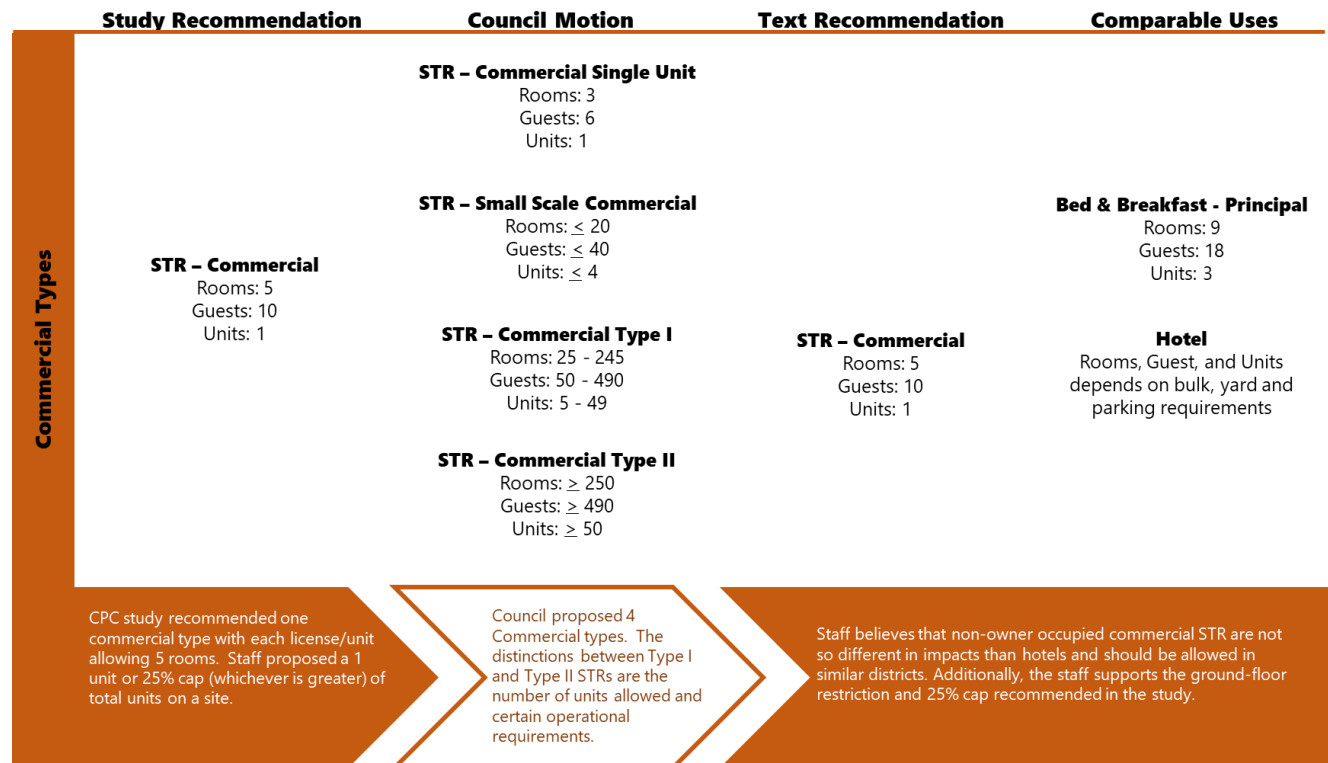
The staff believes that STRs larger than the proposed large residential short term rental create essentially the same land-use impacts as would be expected from a hotel, and should be treated similarly. The staff believes that allowances for Commercial STRs should be equalized with that of hotels, as similar land-use impacts are expected.

Recommendation

The staff recommends the following commercial STR license type:

Short Term Rental, Commercial: a rental of an entire residential dwelling unit in a non-residential zoning district that rents no more than five (5) guest bedrooms for overnight paid occupancy.

Figure 2: Study Recommendation, Council Motion, & Text Amendment Recommendation



Other Definitions

City Council Motion Proposal

In addition to the proposed definitions of residential and commercial short term rentals, the City Council requested analysis on what the appropriate terminology to utilize in the proposed regulations – lot or parcel. The City Council motion directs the City Planning Commission to reconcile CZO provisions and regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review. The City Council motion also directs the City Planning Commission staff to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes,

and to make adjustments deemed necessary in light of public testimony resulting from this review.

Analysis

Issuing License by Parcel or Lot

One issue identified for further review and study in City Council Motion 18-194, which directed the City Planning Commission to conduct the 2018 Short Term Rental Study, is adopting the use of parcels, as opposed to municipal addresses, in issuing permits and licenses. The study recommendation was to maintain the Department of Safety and Permits current practice of issuing licenses by municipal addresses. The rationale was that if licenses were issued by parcel, there would not be a way to identify the exact dwelling unit used as the short term rental, which would make enforcement of the regulations more difficult. Even though the licenses are issued by address, it is still possible to implement regulations that would limit the number or percent of units of short term rentals by parcel or lot, as recommended in the study.

Currently, the Comprehensive Zoning Ordinance contains a definition for *lot*:

“A portion of land with fixed boundaries, that is developed or that may be developed with a principal building and any accessory structures, together with open space and parking areas, and having its principal frontage upon an officially approved street.”

The term lot is used frequently in the Comprehensive Zoning Ordinance and forms the basis for most bulk and yard standards. For example, yard requirements are calculated by the distance from the lot line, and bulk standards, such as lot area, lot width, and lot depth are calculated by the dimensions of the lot. Other standards such as Floor Area Ratio and permeable open space are calculated by dividing floor area or permeable area by the lot area.

The term parcel is not defined in the Comprehensive Zoning Ordinance, or in the City Code although there are occasional references to it throughout. According to the Louisiana Administrative Code, the state of Louisiana has adopted the following definition of a parcel for the purpose of mapping:

“A parcel is a contiguous area of land under one ownership that can be included under one description for assessment or appraisal purposes after consideration of all legal and practical elements.”²

Generally, a “parcel” refers to land for the purpose of assessment, whereas a lot refers to the actual legal boundaries of a property. Therefore, a parcel could contain multiple lots if the property was historically functioned as a single development site. There are many examples of this in areas such as Lakeview or Gentilly, where the lot pattern consists of narrow lots but the development pattern reflects larger homes on wider parcels. The

² Citation: 43 La. Admin. Code Pt XXVII, 1701

Comprehensive Zoning Ordinance addresses these conditions in **Article 25, Section 25.5 Nonconforming Lots**, which considers these parcels to be a single undivided development site and prohibits the use, transfer, or conveyance of individual lots unless they meet the minimum requirements of the Comprehensive Zoning Ordinance.

The staff believes that the term “lot” is more appropriate because it refers to the fixed boundaries of property and the term is widely used in the Comprehensive Zoning Ordinance and the term parcel is used to reference ownership for taxing and assessment purposes.

There are also instances where more than one principal building is constructed on a lot of record, such as a carriage house. The current use standards for bed and breakfasts reference this condition in **Article 20, Section 20.3.I.2** and **Article 20, Section 20.3.I.3**:

If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, it may be included in the operation of the bed and breakfast.

The staff recommends similar language in the use standards for residential short term rentals. This would allow lots with more than one principal building to utilize those units as part of a small or large short term rental, provided that the additional building is a legal dwelling unit and they can authenticate the historic joint use of the structures with the Department of Safety and Permits.

Recommendation

The CPC staff recommends the following change:

- Use “lot” instead of “parcel” or “property” when issuing permits and licenses.
- Allow lots with more than one principal building to operate small or large residential short term rentals.

Define Guest Bedroom & Use Consistently

One issue that has come up is that there are multiple terms used in the Short Term Rental and Bed and Breakfast regulations used to describe bedrooms where guests sleep. These terms include “bedroom,” “guest bedroom,” and “guest room,” and none of these terms are defined in the Comprehensive Zoning Ordinance. The staff recommends only using one term, “guest bedroom,” which should be defined in the CZO. The use of “bedroom” and “guest room” in the short term rental and bed and breakfast regulations should be changed to “guest bedroom.”

Recommendation

The CPC staff recommends the following change:

- Define the term “guest bedroom.”
- In the short term rental, bed and breakfast, and other lodging definitions, use standards, and parking requirements, change references from “bedroom” and “guest room” to “guest bedroom.”

Definition of Present

The rationale for allowing owner-occupied short term rentals in residential districts is that the owner will be present during the guest’s stay and able to respond to any concerns of neighbors and mitigate any negative impacts. In order to ensure that the owner is able to respond to concerns, a definition for present is needed or referenced in the definition for short term rentals.

Recommendation

The CPC staff recommends the following:

- Define the term “present” or reference the term “present” in the definitions.
- A short term rental operator shall be “present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the STR stay”.

Define Party of Guests

The current and proposed regulations restrict the rental of a short term rental to a single “party of guests” per short term rental unit. This term is currently not defined in the Comprehensive Zoning Ordinance. For the purposes of use within the Comprehensive Zoning Ordinance, the Department of Safety and Permits has interpreted the definition of “party of guests” to be:

An individual or group renting or seeking to rent a Short Term Rental in its entirety. When occupied by a party of guests, the Short Term Rental shall not be separately rented to any other individual or party of guests.³

The staff recommends formally adopting this definition into the Comprehensive Zoning Ordinance.

Recommendation

The CPC staff recommends the following:

- Define the term “party of guests” in the Comprehensive Zoning Ordinance.

³ Zoning Interpretation Memorandum Z-17-05. *Definition of “party of guests” relative to Sections 20.3.LLL.1.d, 21.6.II.1.d, and 21.8.C.14.a (5) of the Comprehensive Zoning Ordinance.*

Consistency with other lodging uses

The City Council motion directs the City Planning Commission to reconcile CZO provisions and regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review. Currently bed and breakfasts are defined as “a residential structure that provides sleeping rooms for overnight paid occupancy.” It is the interpretation of the Director of Safety and Permits that only single-family dwellings may serve as Bed and Breakfasts, whether principal or accessory.⁴ The current definition limits accessory bed and breakfasts to single- or two-family dwellings that have been converted to a single-family dwelling and would not allow formerly multi-family structures to convert to single-family use for the purposes of establishing a bed and breakfast. Also, the definition of principal bed and breakfast does not clarify that the structure must be single-family. The staff proposes clarifying the definitions for bed and breakfasts to specify that they must be single-family dwellings, or other structures converted to a single-family dwelling. The staff also recommends increasing the number of bedrooms for accessory bed and breakfasts from four to five to be consistent with the recommendation for partial short term rentals. The staff also recommends using the term “guest bedrooms” in the proposed definitions.

Recommendation

The CPC staff recommends the following:

- Clarify the definition for bed and breakfasts to require that they must be single-family dwellings, or other residential structures legally converted to single-family dwellings.
- Increase the number of guest bedrooms for accessory bed and breakfasts from four (4) to five (5).
- Use the term “guest bedrooms” in the definitions for bed and breakfasts.

Zoning Districts and Lodging Use Reconciliation

City Council Motion Proposal

Reconcile CZO provisions and regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review.

Analysis

City Council Motion M-19-4 directed the City Planning Commission to reconcile the amended short term rental types with existing lodging uses. As noted in the discussion about the commercial and residential types of STR, the staff has relied on the building code and existing lodging uses to determine the appropriate sizes of STRs and will make the same consideration when determining appropriate zoning districts for these uses.

⁴ Zoning Interpretation Memorandum Z-18-04. *Principal Bed and Breakfasts in Multi-Family Dwellings*.

Historically, Accessory Bed and Breakfasts have been allowed in residential districts as permitted uses or with conditional use approval, but are also subject to blockface limitations. On the other hand, Accessory and Temporary Short Term Rentals have been allowed by right in these districts. Part of the reason for the difference in use allowances for Temporary Short Term Rentals is that they are limited to 90 rental days, and are thus not a permanent use like a Bed and Breakfast. The difference between Accessory Bed and Breakfasts and Accessory Short Term Rentals has been presented as one being a permanent business in a residential structure and the other simply a rental of extra rooms for supplementary income. From a code perspective, the staff believes that the uses are similar enough to warrant equal treatment in the CZO. Both provide rooms for rent with the property owner present and are expected to generate similar land use impacts. The staff believes that having a property owner on site will help mitigate any impacts that have been reported with unattended Short Term Rentals across the city, and that the Small Residential Short Term Rental should be allowed in most residential districts as a permitted use. The staff believes that Accessory Bed and Breakfast should also be allowed this right. The presence of the property owner, use standards and building code requirements will allow these uses to operate in a safe and minimally impactful manner.

Table 3 provides a comparison of the current allowances for lodging uses in the CZO. As discussed in the previous paragraph, Accessory Bed and Breakfasts are generally allowed in residential districts but are subject to a per-blockface maximum. Accessory Bed and Breakfasts are required conditional use approval in the Historic Urban Residential Districts and several of the Suburban Residential Districts.

Table 3: Lodging Use Comparison

Place Designation	DISTRICT	Bed & Breakfast		Short Term Rental - Commercial	Hotel/Motel	Hostel
		Accessory	Principal			
Article 7: Open Space Districts	OS-N					
	OS-G					
	OS-R					
	NA					
	GPD				C	
Article 8: Rural Develop- ment Districts	R-RE	P				
	M-MU	P	P	P		
Article 9: Historic Core Neighborhoods Residential Districts	VCR-1	Vieux Carré Residential Districts are discussed in Zoning Docket 027/19				
	VCR-2					
	HMR-1	P	C			
	HMR-2	P	C			
	HMR-3	P	C			
Article 10: Historic Core Neighborhoods Non-Residential Districts	VCC-1	Vieux Carré Commercial Districts are discussed in Zoning Docket 027/19				
	VCC-2					
	VCE					
	VCE-1					
	VCS					
	VCS-1					
	VCP					
	HMC-1	P	P	P		
	HMC-2	P	P	P	P	P
	HM-MU	P	P	P	C	
Article 11: Historic Urban Neighborhood Residential Districts	HU-RS	C				
	HU-RD1	C				
	HU-RD2	C				
	HU-RM1	C	C			
	HU-RM2	C	C			
Article 12: Historic Urban Neighborhoods Non- Residential Districts	HU-B1A	P	P	C		
	HU-B1	P	P	P,C		
	HU-MU	P	P	P,C	C	C
Article 13: Suburban Neighborhoods Residential Districts	S-RS	P				
	S-RD	P				
	S-RM1	P				
	S-RM2	P				
	S-LRS1					
	S-LRS2					

	S-LRS3					
	S-LRD1					
	S-LRD2	C				
	S-LRM1	C				
	S-LRM2	C				
Article 14: Suburban Neighborhoods Non-Residential Districts	S-B1			P		
	S-B2			P		
	S-LB1	P	P	P		
	S-LB2	P	P	P		
	S-LC	P	P	P	C	C
	S-MU	C				
	S-LP					
	S-LM			P	C	
Article 15: Commercial Center & Institutional Campus Districts	C-1			P	P	P,C
	C-2			P	P	P,C
	C-3			P	P	P
	MU-1	P	P	P	P	P
	MU-2	P	P	P	P	P
	EC3	P		P	P	P
	MC			P	P	P
	MS				P	
	LS			P	P	P
Article 16: Centers for Industry	LI				P	
	HI				C	
	MI2				P	
	BIP				P	P
Article 17: Central Business Districts	CBD-1	P	P	P	P	P
	CBD-2	P	P	P	P	P
	CBD-3	P	P	P	P	P
	CBD-4			P	P	P
	CBD-5	P	P	P	C	
	CBD-6	P	P	P	P	
	CBD-7			P	P	P

The staff has also recommended a Large Residential Short Term Rental use type that will be similar in size to Principal Bed and Breakfasts. Principal Bed and Breakfasts are generally not allowed in residential districts, except as conditional uses in certain multi-family districts. They are allowed in many mixed-use districts and neighborhood business districts, but not in some of the more intense, primarily commercial zoning districts. Hotels and Motels are not allowed in residential districts and are allowed mostly in higher intensity

commercial districts such as the CBD Districts and Commercial Center Districts. Both sets of districts expect a high intensity of use near major streets and are more appropriate for larger lodging facilities. The current Commercial Short Term Rental is permitted in more neighborhood commercial business districts in the Historic Urban and Suburban Districts than Hotels and Motels. The current Commercial Short Term Rental type is essentially the same as that proposed in the 2018 Short Term Rental Study, but the study recommended a 25 percent cap on the percentage of units in a buildings STRs can occupy.

The staff's recommended Commercial Short Term Rental type should be allowed in the same districts as those similar lodging use types currently in the CZO. The staff recommends that Commercial Short Term Rentals be allowed in the districts Hotels and Motels are allowed. The staff believes that Hotels and Motels are allowed in areas that can support and expect a certain level of land use intensity and visitor facilities, and believes that the Commercial Short Term Rental type will produce impacts like the current Hotel and Motel use and should, thus, be treated the same. The same can be said for the comparison of the Principal Bed and Breakfast and Large Residential Short Term Rental types. These are smaller lodging facilities that can be appropriate in neighborhood business districts at a certain scale. The staff believes that the limit on rooms and units in these uses restricts them to a size that is compatible with the scale and character of these districts.

Recommendation

Table: 4 provides the staff's recommendation to reconcile the new Short Term Rental type with similar uses. The Partial-Unit Short Term Rental type is considered accessory to a dwelling unit and not a stand-alone use, and is not listed in the comparison table. The Small Residential Short Term Rental is allowed as a permitted use in most residential districts, similar to the current allowances for Accessory Bed and Breakfasts. The staff recommends allowing Small Residential Short Term Rentals as permitted uses in the Historic Urban Residential Districts, and because of this, believes that Accessory Bed and Breakfasts should be permitted uses in these districts instead of conditional uses. Both uses would be permitted the same number of rooms and guests, and would be subject to many of the same use standards that would mitigate the impacts of these uses in residential districts. Most importantly, these uses would be required to be occupied by the property owner, providing accountability and monitoring of the visitors renting a unit or room on the site. The Large Residential type should be allowed in districts similar to that of the Principal Bed and Breakfasts, which are allowed in neighborhood corridor business districts and mixed-use districts as permitted uses and conditional uses in certain multi-family districts. Principal Bed and Breakfasts are not allowed in single- and two-family residential districts and are generally not allowed in high-intensity commercial or industrial districts.

For Commercial Short Term Rentals, the staff has made adjustments to what was proposed in the study. Though the districts in which Commercial STRs are allowed are generally the same, the staff proposes changes that will better align the uses allowances of Hotels and Motels.

Table 4: Lodging Use Comparison with Staff Recommendation

Place Designation	DISTRICT	Bed & Breakfast - Accessory	Short Term Rental – Small Residential	Bed & Breakfast - Principal	Short Term Rental		Hotel/Motel	Hostel
					Residential - Large	Commercial		
Article 7: Open Space Districts	OS-N							
	OS-G							
	OS-R							
	NA							
	GPD					<u>C</u>	C	
Article 8: Rural Development Districts	R-RE	P	P					
	M-MU	P	P	P	<u>P</u>	P		
Article 9: Historic Core Neighborhoods Residential Districts	VCR-1	Vieux Carré Residential Districts are discussed in Zoning Docket 027/19						
	VCR-2							
	HMR-1	P	P	C	<u>C</u>			
	HMR-2	P	P	C	<u>C</u>			
	HMR-3	P	P	C	<u>C</u>			
Article 10: Historic Core Neighborhoods Non-Residential Districts	VCC-1	Vieux Carré Residential Districts are discussed in Zoning Docket 027/19						
	VCC-2							
	VCE							
	VCE-1							
	VCS							
	VCS-1							
	VCP							
	HMC-1	P	P	P	<u>P</u>	P		
	HMC-2	P	P	P	<u>P</u>	P	P	P
	HM-MU	P	P	P	<u>P</u>	P	C	
Article 11: Historic Urban Neighborhoods	HU-RS	<u>C-P</u>	P					

Place Designation	DISTRICT	Bed & Breakfast - Accessory	Short Term Rental – Small Residential	Bed & Breakfast - Principal	Short Term Rental		Hotel/Motel	Hostel
					Residential - Large	Commercial		
	HU-RD1	C <u>P</u>	P					
	HU-RD2	C <u>P</u>	P					
	HU-RM1	C <u>P</u>	P	C	<u>C</u>			
	HU-RM2	C <u>P</u>	P	C	<u>C</u>			
Article 12: Historic Urban Neighborhoods Non-Residential Districts	HU-B1A	P	P	P	<u>P</u>	C		
	HU-B1	P	P	P	<u>P</u>	P,C		
	HU-MU	P	P	P	<u>P</u>	P,C	C	C
Article 13: Suburban Neighborhoods Residential Districts	S-RS	P	P					
	S-RD	P	P					
	S-RM1	P	P					
	S-RM2	P	P					
	S-LRS1							
	S-LRS2							
	S-LRS3							
	S-LRD1							
	S-LRD2	C <u>P</u>	P					
	S-LRM1	C <u>P</u>	P					
	S-LRM2	C <u>P</u>	P					
Article 14: Suburban Neighborhoods Non-Residential Districts	S-B1					P		
	S-B2					P		
	S-LB1	P	P	P	<u>P</u>	P		
	S-LB2	P	P	P	<u>P</u>	P		
	S-LC	P	P	P	<u>P</u>	P	C	C
	S-MU	C <u>P</u>	P					

Place Designation	DISTRICT	Bed & Breakfast - Accessory	Short Term Rental – Small Residential	Bed & Breakfast - Principal	Short Term Rental		Hotel/Motel	Hostel
					Residential - Large	Commercial		
	S-LP					P		
	S-LM					P	C	
Article 15: Commercial Center & Institutional Campus Districts	C-1					P	P	P,C
	C-2					P	P	P,C
	C-3					P	P	P
	MU-1	P	P	P	<u>P</u>	P	P	P
	MU-2	P	P	P	<u>P</u>	P	P	P
	EC3	P	P			P	P	P
	MC					P	P	P
	MS					<u>P</u>	P	
	LS					P	P	P
Article 16: Centers for Industry	LI					<u>P</u>	P	
	HI					<u>C</u>	C	
	MI2					P	P	
	BIP					<u>P</u>	P	P
Article 17: Central Business Districts	CBD-1	P	P	P	<u>P</u>	P	P	P
	CBD-2	P	P	P	<u>P</u>	P	P	P
	CBD-3	P	P	P	<u>P</u>	P	P	P
	CBD-4				-	P	P	P
	CBD-5	P	P	P	<u>P</u>	P <u>C</u>	C	
	CBD-6	P	P	P	<u>P</u>	P	P	
	CBD-7					P	P	P

Affordable Housing

City Council Motion Proposal

For “small scale commercial” and “large scale commercial” short term rentals, using research that includes the forthcoming inclusionary zoning financial feasibility study, recommend provisions to create affordable housing.

Table 5: Comparison of City Council Motion & Study Recommendation

Motion M-19-4	Study Recommendation
For “small scale commercial” and “large scale commercial” short term rentals, using research that includes the forthcoming inclusionary zoning financial feasibility study, recommend provisions to create affordable housing.	<p>CZO Recommendations:</p> <ul style="list-style-type: none">• Consider leveraging Commercial STRs above the cap in exchange for an affordable housing unit or by creating a program to assist potential homebuyers in securing gap financing. <p>Other Code/License recommendations:</p> <ul style="list-style-type: none">• Increasing NHIF fees (\$8.00 per occupied night for Whole-Unit Residential Short Term Rentals and \$10.00 per night for Commercial Short Term Rentals)• Dedicating NHIF funding• Require Affordable Housing Impact Analysis (AHIS) form as a license requirement

Analysis

2018 CPC STR Study

This request specifically directs the City Planning Commission to make recommendations as to how the City could leverage commercial STRs to create affordable housing. It is based upon two factors that emerged during the course of the CPC’s 2018 STR Study: (1) that commercial STRs have impacted the availability of affordable housing in certain neighborhoods by converting and replacing existing permanent housing units; and (2) that commercial STRs generate significantly more revenue than market rate permanent housing. Accordingly, the request is based upon a presumption that the revenue generated by commercial STRs can easily absorb a requirement to provide permanent affordable units and mitigate the impacts of STRs on affordability without inhibiting development opportunities.

The findings of the CPCs 2018 STR Study support this presumption. CPC staff met with numerous STR operators, including local residents, out of state investors, and corporations operating STRs in cities around the world. Corporate STR operators explained that there are certain instances in New Orleans where development projects were made viable when all or some of a building’s residential units were set-aside through a multi-year lease for STR use. In at least one example, the financing for an affordable housing development (the Pythian) was facilitated by the inclusion of a handful of commercial STR units and the guaranteed rent they would provide. Anecdotally, staff was informed that STR operators can generally cover all of their project development costs with a relatively small percentage

(20-30%) of STR units, meaning that anything above that is purely profit. Because of this, there have been ongoing conversations about ways to leverage STRs, either for gap financing or to incentivize public benefits, particularly affordable housing.

Another issue addressed in the 2018 STR Study is the imposition of a cap on the concentration of commercial STRs on a lot. This issue stems from concern over the numerous conversions of buildings that were formerly permanent multifamily housing into commercial STRs – particularly in the CBD. Such conversions have removed significant numbers of permanent housing units. Additionally, many participants in the Study expressed concerns that if commercial STR's were permitted by right without any such cap, the City would effectively be “giving away” the very thing that could be used to leverage affordable housing units – the commercial STR licenses. In other words, if a property owner were already entitled to utilize 100% of units as commercial STRs, there would be no way for the City to incentivize that developer to create affordable units by offering STR licenses.

Based upon the above findings, the 2018 STR Study included the following recommendations:

- Establishment of a cap on the issuance of commercial STR licenses at 25% of the total number of dwelling units on a lot. The CPC recommended that certain areas be exempted from the cap, notably portions of Canal Street and the VCE Entertainment District.
- Consideration of leveraging commercial STRs above the cap amount to provide affordable housing units at a 1:1 ratio, or to provide assistance to homebuyers in securing gap financing.

HR&A New Orleans Inclusionary Housing Study

The subject motion directs the CPC to recommend provisions to create affordable housing by leveraging commercial STRs “using research that includes the forthcoming inclusionary zoning financial feasibility study.” The referenced study was requested by the City Council when it adopted Motion M-18-320 on August 9, 2018, directing the CPC to consider a text amendment to the CZO for the inclusion of mandatory inclusionary zoning in accordance with the CPC's 2017 Smart Housing Mix Study. Motion M-18-320 specifically directed the City Planning Commission to work with the Office of Community Development to procure a financial feasibility analysis to determine the viability of an inclusionary zoning program and the potential market for a mandate. HR&A Advisors, a national real estate and economic development consulting firm based in Washington D.C., was selected in October 2018 to conduct the financial feasibility analysis determining the economic feasibility of a mandatory inclusionary housing policy for the City of New Orleans.

HR&A's scope generally includes the following:

- **Market analysis** - to understand the core real estate dynamics for multifamily rental units, including land costs, hard and soft costs for construction, geographic differences within the city, residential market rents, and absorption and occupancy characteristics;

- **Stakeholder outreach** – interviews to understand drivers of economic feasibility with key project stakeholders, including local market-rate and affordable housing developers, neighborhood groups, community organizations, and governmental agencies;
- **Financial Analysis and Pro Forma Development** – an assessment of market types, building typology and property type assessment, and financial impact of affordability requirements; and
- **In-lieu fee analysis** – develop a formula for determining an in-lieu fee based on project size and financial impact.

HR&A concluded its work in late February of 2019 and presented its initial findings and recommendations to the City Council Community Development Committee on February 26, 2019.

HR&A's analysis resulted in the following major findings and recommendations:

- A mandatory inclusionary zoning policy is supportable in select neighborhoods where the market strength is sufficient to withstand the cost of the mandatory requirement.
- In the “Core” markets (CBD, French Quarter), a MIZ requirement of 10% of units at 60% AMI for a term of 99 years can be supported.
- In the “Strong” markets (portions of Marigny, Bywater, Tremé, Lower Garden District, Mid-City, Uptown, Lakeview neighborhoods), a MIZ requirement of 5% of units at 60% AMI for a term of 99 years can be supported.
- In both the Core and Strong markets, financial incentives (PILOTs, RTAs, Density Bonuses, Parking Reductions) are needed to support MIZ developments.

Notably, the HR&A scope did not include any specific focus on commercial STRs, how they may have affected the housing markets in these areas and how they may be used to leverage the construction of affordable units. That being said, it is notable to point out that if the City Council adopts the recommendations of HR&A, any multifamily development in the CBD and French Quarter would be required to set aside 10% of the units as affordable units (5% in the Strong Market neighborhoods), whether or not those developments are used for commercial STRs. Additionally, the HR&A Study identifies the real estate markets in the City that are the strongest in terms of being able to support MIZ. They are generally the same neighborhoods which housing availability and affordability have been most impacted by STRs. This is not surprising since market strength and housing impacts are both outcomes of strong real estate demand.

Based upon the HR&A report, Staff believes there are two (2) possible approaches to leveraging commercial STRs for affordable housing that can be considered:

- Adding commercial STR licenses as additional incentives that could be used to help offset the MIZ requirement.
- Requiring additional affordable housing units – on top of the MIZ requirement – if commercial STR licenses are sought.

STRs as an Additional Incentive

The HR & A financial analysis suggests that the New Orleans multi-family housing market is stable, but is showing signs of plateauing. Moreover, even in its strongest markets, incentives will be necessary to help offset the costs of the MIZ requirement. Accordingly, if the City wants to increase the production of affordable housing, it will need to commit to providing incentives to make such developments financially viable. HR&A recommended that a number of incentives be made available to multifamily developments in the Core and Strong sub-markets, including Payments In Lieu of Taxes (PILOTs), Restoration Tax Abatements (RTAs), density bonuses up to 50%, and parking reductions up to 30%. Adding STRs licenses to this menu of available incentives could add even more to help offset the MIZ requirement. Because the HR&A study did not specifically analyze this scenario, however, it would be difficult to establish the details of such an approach. While it may seem intuitive – more available incentives means more viability – staff cautions against moving forward without having a clearer picture of the actual financial benefit of the incentive, in order to ensure that a public interest is being achieved. In other words, HR&A’s work tells us that an MIZ program can work *without* including STRs in the mix of available incentives; understanding the added value of adding STRs is especially important given the thoroughly-documented potential negative impacts.

Requiring Additional Affordable Units for STR Developments

Given the high profitability of commercial STRs, many have suggested that the issuance of licenses should be predicated on the provision of affordable permanent housing. In the context of an MIZ program, this could mean that STR developments would not only have to meet the MIZ requirement for affordable units (5-10%), but would have to provide additional units in order to receive any STR licenses. Again, the lack of any specific analysis in the HR&A study makes it difficult to determine a specific offset. By way of example, the HR&A study analyzed the current multifamily market to determine what the differential would be between market rate and affordable rents over the recommended 99 year affordability term. Using this information, HR&A was able to make recommendations about the number of units that would trigger the MIZ requirement, the number of units that should be set aside, the affordable rent levels that should be targeted (i.e., 60% AMI), a potential fee-in-lieu, the scale of a PILOT that would be needed, and the size of density bonuses and parking reductions that should be considered.

Throughout the course of the City’s consideration of STR regulation, there have been several suggestions as to what such a requirement could look like. The CPC’s 2018 STR Study suggested that a 1:1 ratio (one required affordable unit for every STR unit) should be considered for any additional STRs over a 25% cap. This would result in an affordable housing requirement of up to 37-1/2%, depending upon the number of licenses sought. A number of housing advocates suggested an even higher requirement of a 1:1 ratio for the entire development, or an affordable housing requirement of 50%. By contrast, the HR&A study suggested that without any consideration of STRs, a 5-10% requirement would be supportable. Without a more detailed analysis, it is difficult to say whether or not the

profitability of commercial STRs can justify increasing the affordable housing requirement to 37-1/2 or 50% of the units. Setting the bar too high could mean stifling development activity; setting it too low could result in a giveaway of entitlement without achieving a desired public benefit.

Additional Considerations

Density Limitations on Commercial STRs

Regardless of which of the above approaches is taken, the staff continues to support the concept of a density limitation on commercial STRs. Within the use standards for Commercial STRs, Staff recommends a cap of one unit, or twenty-five percent (25%) of all units, whichever is greater, on the number of units that could be licensed for STR use. In addition to mitigating the impacts of commercial STRs, such a cap will provide the necessary leverage upon which a future affordability requirement would be based. In other words, if commercial STRs were permitted for 100% of units with no limitations, the City would not be able to leverage an affordability requirement. As described in the 2018 STR Study, the staff's recommendation is that the cap would not apply to the VCE or VCE-1 Entertainment Districts, any structure fronting on Canal Street between the Mississippi River and Rampart Street, nor to the EC Educational Campus, MC Medical Campus, and LS Life Science Districts and the MI Maritime Industrial Commercial and Recreational Subdistrict.

Multi-family development change of use

One of the concerns brought forth regarding the loss of multi-family housing units is not just that new STR developments are happening, but that STR developers are converting existing multi-family developments to STRs. The staff believes that the City should consider an impact fee or other mechanism to require compensation for such conversions, on the premise that such conversions are detrimental to the public interest of maintaining affordable housing units. Because STR conversions are not the sole cause of permanent residential conversions, such a fee should be considered for any change of use resulting in a loss of permanent housing. Any proceeds could be reserved for the Neighborhood Housing Improvement Fund (NHIF). Consideration of such a fee is beyond the scope of the subject Motion and should be considered separately.

Recommendation

The City Planning Commission staff recommends the following:

- Study the possibility of utilizing commercial STRs as leverage to provide affordable housing units. Such a study should include the same type of analysis that HR&A utilized with respect to market rate permanent housing, and should provide recommendations on how the City can effectively leverage the commercial STR market to reasonably provide permanent affordable housing.

- Study the possibility of including commercial STRs as additional incentive in support of a MIZ requirement. Such a study should include the same type of analysis that HR&A utilized with respect to market rate permanent housing, and should provide recommendations on how the City can effectively leverage the commercial STR market to help offset the financial burden of an MIZ requirement.
- Study the possibility of establishing an impact fee or other mechanism to mitigate the impacts of converting permanent residential uses to other uses, such as STRs.
- Establish a cap of one unit, or twenty-five percent (25%) of all units, whichever is greater, on the number of units that could be permitted for STR use on any lot or single building constructed across lot lines. This cap would not apply to the VCE or VCE-1 Entertainment Districts, any structure fronting on Canal Street between the Mississippi River and Rampart Street, nor to the EC Educational Campus, MC Medical Campus, and LS Life Science Districts and the MI Maritime Industrial Commercial and Recreational Subdistrict.

Use Standards

Capping Measures

City Council Motion Proposal

For “small scale commercial” and “large scale commercial” short term rentals, recommend spacing restrictions in the mixed-use land use districts, including the possibility of one short term rental permit per block face.

Table 6: Comparison of City Council Motion & Study Recommendation

Motion M-19-4	Study Recommendation
For “small scale commercial” and “large scale commercial” short term rentals, recommend spacing restrictions in the mixed-use land use districts, including the possibility of one short term rental permit per block face.	Limit short term rental licenses by lot or building, and not by census tract, neighborhood, or block due to enforcement/management concerns.

Analysis

The City Council motion asks the City Planning Commission to consider spacing requirements specifically for its small- and large-scale commercial short term rentals in mixed-use zoning districts. The Council presumably asked the staff to focus on mixed-use districts due to their typical location near residential districts and because they allow residential uses. Spacing requirements are enacted to prevent an over-concentration of a use and the impacts associated with that use. The CZO currently limits Accessory and Principal Bed and Breakfasts to one per blockface in residential districts, but has no similar spacing restriction on short term rentals.

The 2018 Short Term Rental Study explored a number of different possible ways to cap the number of short term rentals. These measures included limiting density of licenses by geography, lot, building, or an overall cap. The study recommended limiting short term rental licenses by lot or building, and not by census tract, neighborhood, or block, due to perceived difficulties with enforcement. The staff agrees that the limits on partial and small residential STRs is better accomplished by limiting the number of units and rooms that can be used for short term rental. The staff believes that Hotels, Motels, and the proposed Commercial Short Term Rentals are limited to zoning districts that are appropriate for that intensity of use. The staff considered amending the use tables to expand district use permissions for hotel/motels to align them with Commercial Short Term Rentals. The staff believes that, due to the additional ancillary uses that are allowed with hotel/motels, this would be better considered separately.

The Small-Scale Commercial type proposed by the City Council Motion is larger than the Large-Scale Residential type proposed in this report. The staff's recommendation would classify the Council's Small-Scale type as a Commercial Short Term Rental, which would be allowed in a limited range of zoning districts, and not limited by a blockface limitation. The staff's proposed Large Scale Residential STR type would be a similar operational size as existing Principal Bed and Breakfasts, which are currently limited to the blockface restriction only in residential districts. The staff does believe that this restriction is appropriate for these Large-Scale Residential Short Term Rentals due to the size of the operations and potential impacts on neighboring residential properties. The staff does believe that the blockface restriction should not apply to the Small Residential Short Term Rental and should no longer apply to the Accessory Bed and Breakfasts in residential districts, because the staff believes that the proposed use standards, off-street parking requirements, and on-site management of the properties will mitigate impacts of these uses.

One of the reasons that a cap within buildings was proposed by the staff in the 2018 study is the concern that residential units are being lost in the large scale conversion to STRs. The staff still has this concern, and believes that the total number of units on a lot should be capped at 25 percent. This capping measure will allow for new developments that intend to be developed for short term rental use to do so in a limited manner, and will protect housing stock from the large-scale conversion to short term rentals.

The staff also recommended in the 2018 Short Term Rental Study provisions that would protect ground floor nonresidential space in certain business districts across the city. Mixed-use environments that include small scale commercial on ground floors with residential uses upstairs are an integral part of older neighborhoods in New Orleans. To preserve ground floor commercial that is critical to the pedestrian environment in historic commercial corridors, the staff recommends a restriction on the first floor of multi-story buildings in certain zoning districts.

Recommendation

The staff believes that the capping measure recommendations in the 2018 Short Term Rental Study should be implemented. As noted by the 2018 Short Term Rental Study, the elimination of the current Temporary STR license should reduce some of the current density of short term rentals and will limit the density of future STR licenses. The staff recommends the following:

- Partial and Small Residential Short Term Rentals and Accessory Bed and Breakfasts shall not be limited by blockface, but rather, should be limited by the number of rooms and units allowed, and shall comply with all use standards, off-street parking requirements, and building code requirements.
- Large-Scale Residential Short Term Rentals shall be limited to one per blockface in residential districts, similar to the current limitation on Principal Bed and Breakfasts. Only one Large-Scale Residential Short Term Rental or one Principal Bed and Breakfast is allowed per blockface in a residential district.
- Commercial Short Term Rentals shall not have a spacing requirements, but rather, shall be limited by the range of zoning districts in which they are allowed, similar to Hotels and Motels.
- Commercial Short Term Rentals shall be limited in the total number of residential units that can be used short term rental use to twenty-five (25) percent of the total number of units on a lot.
- Prohibit Commercial STR licenses on the first floor of a multi-story building that can or may contain residential uses on subsequent floors, in historic commercial corridor districts.

Security, Lighting, & Other Mitigation Standards

City Council Motion Proposal

For “large scale commercial type 1” short term rentals, establish security requirements that include provisions for cameras, lighting, and landscaping.

For “large scale commercial type 2” short term rentals, establish security requirements that include provisions for cameras, lighting, landscaping, 24/7 on-site security guard(s), and a front desk to be staffed at all times.

Table 7: Comparison of City Council Motion & Study Recommendation

Motion M-19-4	Study Recommendation
For “large scale commercial type 1” short term rentals, establish security requirements that include provisions for cameras, lighting, and landscaping.	<ul style="list-style-type: none">• The Department of Safety and Permits create a license for short term rental operators. There shall be two types of Short Term Rental Operator licenses, one for on-site Residential (Residential STR operators) and one for Commercial STR operators.• Applications should include a Nuisance Prevention and Response Plan requirement, which could include a noise monitoring system
For “large scale commercial type 2” short term rentals, establish security requirements that include provisions for cameras, lighting, landscaping, 24/7 on-site security guard(s), and a front desk to be staffed at all times.	

Analysis

The City Council Motion recommends the implementation of requirements aimed to mitigate potential impact from commercial short term rentals. Currently, the use standards for commercial short term rentals are fairly limited, requiring a license, displaying the license, limiting the number of guests, prohibiting short term rentals outdoors or in accessory structures, and limits on the number of guests. In addition to those requirements, accessory and temporary licenses currently are not permitted to have social events, shall not adversely affect the residential character of the neighborhood, must appear outwardly to be a residential dwelling, and may not generate noise, vibration, glare, odors or other effects that unreasonably interfere with any person's enjoyment of his or her residence. The City Council proposal would place additional standards on commercial short term rentals. The 2018 Short Term Rental Study recommended that all short term rental operators obtain a license to operate a short term rental in addition to the license for the property. This would provide an additional mechanism for enforcement for the Department of Safety and Permits to cite and fine operators. The study also suggested a license requirement that would require a Nuisance Prevention and Response Plan requirement, which could include a noise monitoring system.

Several other non-lodging uses, such as amusement facilities, bars, unattended car washes, live entertainment, and restaurants that serve alcohol require the provision of exterior security cameras and submittal of a security and operation plan. Similarly, many other intensive uses in the Comprehensive Zoning Ordinance require noise mitigation through submission of a noise abatement plan. The staff is supportive of a requirement for submittal of a security and operation plan and a noise abatement plan for commercial short term rentals.

The CZO doesn't explicitly require a 24/7 on-site security guard or a front desk for any use; however the Director of Safety and Permits has recently determined that the “customary lodging services” referenced in the definition of Hotel/Motel must include “1) dedicated lobby space to adequately enable check-in/check-out procedures, and 2)

personnel/staffing to assist guests at check-in/check-out.”⁵ The implementation of this requirement could be addressed by adding a definition for customary lodging services and requiring that commercial short term rentals include such services. Another mechanism would be to add use standards specifically requiring personnel on site and dedicated lobby space. While this scenario would be feasible for new construction of commercial short term rentals, it would prove difficult for an individual in a multi-family dwelling to meet these requirements. The staff believes that the operator license requirement, as recommended in the 2018 Short Term Rental Study, would provide the needed customary lodging services to service a commercial short term rental so no specific language in the Comprehensive Zoning Ordinance is required.

Lighting is not explicitly required for any use in the Comprehensive Zoning Ordinance, with the exception of parking lots that would be used at night. Rather the lighting provisions of the Comprehensive Zoning Ordinance are focused on ensuring lighting does not glare upon surrounding areas and residences. Landscaping is required for all non-residential uses and residential uses with more than six units. Most of the requirements are focused on parking areas, landscaping setbacks, buffer yards, and building foundations. A few uses, such as gas stations, public markets, truck stops, and wireless telecommunication facilities, have specific landscaping standards. Developments are designed in accordance with the regulations of the applicable zoning district, which have been created with reasonable consideration of, among other things, the character of the districts and their suitability for particular uses. For example, a development in the Central Business District could be developed lot line to lot line and is not required to provide off-street parking. Therefore imposing landscaping restrictions on a commercial short term rental in this area would not be in harmony with the character of the development pattern of the area. The staff does not recommend any specific lighting or landscaping requirements for commercial short term rentals.

Recommendation

The City Planning Commission staff recommends the following:

- Commercial Short Term Rentals, and other similar lodging uses, shall require the submission of a noise abatement plan and a security and operation plan.
- Adding a definition for “customary lodging services”, which has been defined by the Department of Safety and Permits to include “1) dedicated lobby space to adequately enable check-in/check-out procedures, and 2) personnel/staffing to assist guests at check-in/check-out.”
- Do not implement lighting or landscaping standards that are specific to commercial short term rentals, as those are already addressed in the Comprehensive Zoning Ordinance.

⁵ Zoning Interpretation Memorandum Z-18-02. July 31, 2018. *Definition of Customary Lodging Services included in the definition of “Hotel/Motel” in Chapter 26 of the Comprehensive Zoning Ordinance.*

Life Safety

City Council Motion Proposal

- For “large scale commercial” short term rentals, establish additional life safety requirements for units within high rise structures.
 - This includes adequate protection for life safety in every structure as defined in La. R.S. 40:1573, via compliance with applicable rules and regulations contained in the Life Safety Code of the National Fire Protection Association, and Section 518 – Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code, that are applicable to high rise structures. (Similar to Louisiana Revised Statutes 40:1578.6.)
- For “large scale commercial” short term rentals, mandate the placement on the back of the main entry door to the unit a map indicating where the exits are located in case of fire or other emergency. (Similar to Louisiana Revised Statutes 40:1580.)
- For all short term rental units, establish requirements that all sleeping rooms be equipped with a fire/smoke alarm detection system.
- For all short term rental units, establish bed linen requirements, whereby each short term rental unit shall furnish clean and fresh bed linens, unused by any other person since the last laundering thereof, on all beds assigned to the use of any guest or patron. (Similar to Louisiana Revised Statutes 21:1 Bed Linens.)
- For all short term rental units, establish bathroom and toilet facility sanitation requirements, whereby every owner, manager, or person in charge of the conduct of any short term rental unit shall keep the closets, bathrooms, and toilet facilities provided for the use of its guests and patrons cleaned and maintained in a sanitary condition.
- For all short term rental units, establish anti-discrimination provisions, prohibiting any discrimination based on race, religion, national origin, age, sex, gender identity, sexual orientation, HIV/AIDS, or physical/mental disability. Any such violation shall terminate a STR license.

Analysis

The 2018 Short Term Rental study addressed the concern over safety of guests and visitors to the city by recommending changes to permitting and licensing, City code, and potentially state law. The City Council recommends implementing several of these provisions in the Comprehensive Zoning Ordinance. While the staff believes the safety of guests is the upmost importance, the zoning ordinance is not the appropriate location for such requirements. The study recommended that commercial short term rentals obtain a

Certificate of Occupancy from the Department of Safety and Permits to ensure that the appropriate building and life safety standards are met. The staff also recommends aligning residential short term rentals with the corresponding life safety standards in the building code to ensure the safety of visitors. The Department of Safety and Permits would be responsible for implementing this recommendation.

The study also mentioned State laws specific to hotels that require certain safety and sanitary standards. Every new or renovated hotel or motel room shall have sleeping rooms equipped with approved fire detection and alarm systems for the deaf or hard of hearing in case of fire.⁶ Similar to the STR regulations located in Chapter 26 of the City Code, state law requires that fire exit maps be posted on the back of every hotel room door.⁷ Every hotel, motel, or innkeeper shall furnish clean and fresh bed linens and ensure that closets, bathrooms, and toilet facilities provided for the use of its guests and patrons cleaned and maintained in a sanitary condition.⁸ The staff believes that these regulations are already located in the City Code or could be addressed via an amendment to the City Code or state law.

Recommendation

The City Planning Commission staff recommends the following:

- The International Building Code, and other life safety codes already address safety requirements for transient guests. Aligning the short term rentals classifications in the Comprehensive Zoning Ordinance with the corresponding life safety standards in the building code should ensure the safety of visitors.
- The proper location for many of these sanitary, safety, and other requirements is the City Code or State law and not the Comprehensive Zoning Ordinance.

Other Amendments

In addition to the proposed amendments discussed above, there were several general amendments discussed in the Short Term Rental study that were not addressed in the City Council motion; however the City Council motion directs the City Planning Commission staff to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance.

City Council Motion Proposal

That in the process of studying and reviewing this request, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance, as amended, to establish consistency and continuity with the format of the

6 Louisiana Revised Statutes 40:1580.1

7 Louisiana Revised Statutes 40:1580

8 RS 21 HOTELS AND LODGING HOUSES

existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

Prohibit Rental of Common Spaces

The Short Term Rental Administration has encountered operators advertising common spaces, kitchens, and other non-bedroom spaces in a dwelling unit as guest bedrooms. For example, a two-bedroom house would be advertised as accommodating 10 guests by placing beds in kitchens, garages, and other spaces, when a two-bedroom house would only be permitted four guests (two per guest bedroom). An additional use standard is needed to clarify that only legal guest bedrooms can be rented on a short term basis for the purposes of sleeping and calculating the guest occupancy limit of short term rentals. For studio apartments, the bedroom and common spaces are generally combined in one space. Studio dwellings shall be considered as having one (1) guest bedroom. Therefore, the CPC staff recommends the following:

- Add a use standard to make it clear that only legally permitted guest bedrooms can be rented to guests and not common spaces.
- Studio apartments shall be considered as having one (1) guest bedroom.
- Require site and floor plans at application to designate rentable rooms covered by the license.

Simplify Off-street Parking Requirements

The off-street parking requirements for bed and breakfasts, hotels/motels, and commercial short term rentals are generally equal; however, the way that they are written is somewhat confusing, especially for bed and breakfasts. The staff recommends simplifying the parking requirements to “1 spaces per 2 guest bedrooms.” Therefore, the CPC staff recommends the following:

- The Large Residential Short Term Rental, Principal Bed and Breakfast, and Commercial Short Term Rental, and Hotel/Motel off-street parking requirements should be standardized to “1 spaces per 2 guest bedrooms.”

Use Chart Listing of Commercial STRs

Currently, the Commercial STR type is listed in the Comprehensive Zoning Ordinance’s use charts under the “Residential” heading. Since this type of STR has “Commercial” in the name and is intended to be located in districts with more intense uses, the CPC staff recommends moving the row showing this use and the district permissions to be under the “Commercial” heading.

- In all CZO chapters where Commercial STRs are listed as a use, move the row with the use to be under the “Commercial” heading.

Suggested language

Based on the discussion above, the suggested language for the text amendment is shown below with proposed language shown in **underlined, bold** text, and the deletions are indicated by ~~striketrough~~ text.

Article 7 – Open Space District

7.2 Uses

Table 9-1: Permitted and Conditional Uses					
Uses	District				
	OS-N	OS-G	OS-R	NA	GPD
COMMERCIAL USE					
Hotel/Motel					C
<u>Short Term Rental, Commercial</u>					<u>C</u>

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses		
Uses	District	
	R-RE	M-MU
RESIDENTIAL USE		
Bed and Breakfast – Accessory	P	P
Bed and Breakfast – Principal		P
Short Term Rental, Commercial		P
<u>Short Term Rental, Large</u>		<u>P</u>
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>
COMMERCIAL USE		
<u>Short Term Rental, Commercial</u>		<u>P</u>

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: Permitted and Conditional Uses					
Uses	District				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
RESIDENTIAL USES					
Bed and Breakfast – Accessory	Discussed in ZD027/19	P	P	P	
Bed and Breakfast – Principal		C	C	C	
[...]					
<u>Short Term Rental Large</u>	Discussed in ZD027/19	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Short Term Rental Small</u>		<u>P</u>	<u>P</u>	<u>P</u>	
[...]					

[...]

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses										
Uses	District									
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM - MU
RESIDENTIAL USE										
[...]										
Bed and Breakfast – Accessory	Discussed in ZD027/19							P	P	P
Bed and Breakfast – Principal								P	P	P
[...]										
Short Term Rental, Commercial	Discussed in ZD027/19							P	P	P
<u>Short Term Rental, Large</u>								<u>P</u>	<u>P</u>	<u>P</u>
<u>Short Term Rental, Small</u>								<u>P</u>	<u>P</u>	<u>P</u>
COMMERCIAL USE										
[...]										
Hostel	Discussed in ZD027/19								P	
Hotel/Motel									P	C
[...]										

Table 10-1: Permitted and Conditional Uses										
Uses	District									
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM - MU
<u>Short Term Rental, Commercial</u>	Discussed in ZD027/19								<u>P</u>	<u>P</u>
[...]										

[...]

Article 11 – Historic Urban Neighborhood Residential Districts

11.2 Uses

Table 11-1: Permitted and Conditional Uses					
Uses	District				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
RESIDENTIAL USE					
[...]					
Bed and Breakfast – Accessory	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>
Bed and Breakfast – Principal				C	C
[...]					
<u>Short Term Rental Large</u>				<u>C</u>	<u>C</u>
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
[...]					

[...]

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses			
Uses	District		
	HU-B1A	HU-B1	HU-MU
RESIDENTIAL USE			
Bed and Breakfast – Accessory	P	P	P
Bed and Breakfast - Principal	P	P	P
[...]			
Short Term Rental, Commercial	€	P, C⁹	P, C⁹
<u>Short Term Rental, Large</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>
[...]			
COMMERCIAL USE			
[...]			

Table 12-1: Permitted and Conditional Uses			
Uses	District		
	HU-B1A	HU-B1	HU-MU
<u>Short Term Rental, Commercial</u>			<u>P</u>
[...]			

[...]

Table 12-1 Footnotes

[...]

⁹ ~~Permitted Commercial Short Term Rentals are limited to two (2) on one property; any Commercial STR use greater than two is a conditional use.~~

[...]

Article 13 – Suburban Neighborhoods Residential Districts

13.2 Uses

Table 13-1: Permitted and Conditional Uses				
Uses	District			
	S-RS	S-RD	S-RM1	S-RM2
RESIDENTIAL USE				
Bed and Breakfast – Accessory	P	P	P	P
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 13-1: Permitted and Conditional Uses							
Uses	District						
	S-LRS1	S-LRS2	S-LRS3	S-LDR1	S-LDR2	S-LRM1	S-LRM2
RESIDENTIAL USE							
Bed and Breakfast – Accessory					C	C	C
<u>Short Term Rental, Small</u>					<u>C</u>	<u>C</u>	<u>C</u>

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses								
Uses	District							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	S-MU
RESIDENTIAL USE								

Table 14-1: Permitted and Conditional Uses								
Uses	District							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	S-MU
[...]								
Bed and Breakfast – Accessory			P	P	P			C
Bed and Breakfast – Principal			P	P	P			
[...]								
Short Term Rental, Commercial	P	P	P	P	P	P	P	
<u>Short Term Rental, Large</u>			<u>P</u>	<u>P</u>	<u>P</u>			
<u>Short Term Rental, Small</u>			<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
[...]								
COMMERCIAL USE								
[...]								
Hotel/Motel					C		C	
[...]								
<u>Short Term Rental, Commercial</u>		<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>	
[...]								

[...]

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses									
Uses	District								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
RESIDENTIAL USE									
Bed and Breakfast – Accessory				P	P	P			
Bed and Breakfast – Principal				P	P				
[...]									
Short Term Rental, Commercial	P	P	P	P	P	P	P		P
<u>Short Term Rental, Large</u>				<u>P</u>	<u>P</u>				
<u>Short Term Rental, Small</u>				<u>P</u>	<u>P</u>	<u>P</u>			
[...]									

Table 15-1: Permitted and Conditional Uses									
Uses	District								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
COMMERCIAL USE									
[...]									
Hotel/Motel	P	P	P	P	P	P	P	P	P
[...]									
<u>Short Term Rental, Commercial</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
[...]									

[...]

Article 16 – Centers for Industry

16.2 Uses

Table 16-1: Permitted and Conditional Uses				
Uses	District			
	LI	HI	MI	BIP
[...]				
Short Term Rental, Commercial			P*	
[...]				
COMMERCIAL USE				
[...]				
Hotel/Motel	P	C	P	P
[...]				
<u>Short Term Rental, Commercial</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>
[...]				

* Please note that Commercial Short Term Rentals are only permitted in the MI District's Commercial and Recreational Sub-District.

[...]

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses							
Uses	District						
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7
RESIDENTIAL USE							
Bed and Breakfast – Accessory	P	P	P		P	P	
Bed and Breakfast – Principal	P	P	P		P	P	

Table 17-1: Permitted and Conditional Uses							
Uses	District						
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7
[...]							
Short Term Rental, Commercial	P	P	P	P	P	P	P
<u>Short Term Rental, Large</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
[...]							
COMMERCIAL USE							
[...]							
Hotel/Motel	P	P	P	P	C	P	P
[...]							
<u>Short Term Rental, Commercial</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>
[...]							

[...]

Overlay Districts (Article 18)

18.13 RIV Riverfront Design Overlay District

18.13.H RIV-3 Bywater Sub-District Standards

18.13.H.3 Use Standards and Use Restrictions

[...]

c. Short-Term Rental Restriction

Commercial Short Term Rentals are prohibited within the RIV-3 Bywater Sub-District

[...]

18.13.I RIV-4 Marigny Sub-District Standards

18.13.I.3 Use Standards and Use Restrictions

[...]

c. Short-Term Rental Restriction

Commercial Short Term Rentals are prohibited within the RIV-4 Marigny Sub-District

[...]

Temporary Provisions (Article 19)

~~19.4.A.1.h SHORT TERM RENTAL INTERIM ZONING DISTRICT~~

~~A. Intent. The intent of the Short Term Rental Interim Zoning District is to temporarily prohibit the issuance or renewal of certain types of Short Term Rental permits or licenses while the City Planning Commission studies the impact and considers revisions to the existing Short Term Rental regulations.~~

~~B. Boundaries. The Short Term Rental Interim Zoning District applies to the Historic~~

~~Core and Historic Urban zoning districts, both residential and non-residential, the Central Business District zoning districts, the MU 1 Medium Intensity Mixed Use District, and the MU 2 High Intensity Mixed Use District.~~

- ~~C. Limitation on Uses. The Short Term Rental Interim Zoning District prohibits:~~
- ~~a. Any issuance or renewal of a Temporary Short Term Rental permit or license, effectively modifying Article 21, Section 21.8.C.~~
 - ~~b. Any issuance of a Commercial Short Term Rental permit or license for STR use on the first floor of a multi-story, multi-family, non-residential, or mixed-use building, with the exception of single family dwellings and two family dwellings, effectively modifying Article 10, Section 10.2.A Permitted and Conditional Uses, Article 12, Section 12.2.A Permitted and Conditional Uses, Article 15, Section 15.2.A Permitted and Conditional Uses, and Article 17, Section 17.3.A Permitted and Conditional Uses.~~
- ~~D. Submittal Requirements. Every appeal shall be made on the forms provided by the City, and shall be accompanied by the payment of the appropriate filing fee, and the data required in such form. The completeness of appeal application shall be determined and the appellant or applicant shall be appropriately notified in accordance with Article 3, Section 3.2.B. of the Comprehensive Zoning Ordinance. The Executive Director of the City Planning Commission may request from the appellant or applicant such additional information and data as may be required to fully advise the Commission, whether such information and data is called for by the official forms or not.~~
- ~~E. Appeal Procedure. Appeals shall be submitted to the Executive Director of the City Planning Commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following review standards:~~
- ~~a. Is the required appeal compatible with the surrounding land uses and structures?~~
 - ~~b. Does the requested appeal provide for an efficient use of land?~~
 - ~~c. Will granting the requested appeal increase traffic and safety hazards?~~
 - ~~d. Does the requested appeal provide for an efficient parking layout?~~
 - ~~e. Will the requested appeal increase community environmental impacts?~~
- ~~The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion.~~

[...]

Article 20 – Use Standards

20.3 – Use Standards

[...]

20.3.I BED AND BREAKFAST

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

~~20.3.I.1 BED AND BREAKFAST GENERAL STANDARDS (ACCESSORY OR PRINCIPAL)~~

~~In any residential district, only one (1) bed and breakfast, whether accessory or principal, is permitted per blockface.~~

20.3.I.12 BED AND BREAKFAST ACCESSORY STANDARDS

a. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).

~~b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, it may be included in the operation of the bed and breakfast.~~

b. e. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no appearance of a business use other than a permitted sign.

c. d. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square feet in area. The sign shall complement the architecture of the structure.

d. e. The bed and breakfast is limited to a maximum of four (4) units for overnight accommodation.

e. f. Cooking facilities are prohibited in individual guest rooms.

f. g. If meals are provided, only registered guests may be served.

g. h. Leasing of a common dining area for social events is prohibited.

20.3.I.23 BED AND BREAKFAST PRINCIPAL STANDARDS

a. Proof of owner or operator occupancy shall be established by submission of proof of a homestead exemption (owner) or legal leasing agreement (operator) submitted to the Department of Safety and Permits.

~~b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically used together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, for at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.~~

b. e. All signs shall comply with applicable sign regulations for the zoning district.

c. d. The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.

d. e. Cooking facilities are prohibited in individual guest rooms.

e. f. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.

f. g. Leasing of common areas for social events shall be allowed, provided the facility meets all applicable off-street parking requirements and complies with the noise ordinance and all other provisions of the City Code.

g. In residential districts, only one (1) principal bed and breakfast or large residential short term rental is permitted per blockface.

[...]

20.3.LLL Short Term Rentals

20.3.LLL.1 Short Term Rentals General Standards

- a. In addition to the ~~regulations~~ use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- b. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (~~Temporary, Accessory,~~ Partial Unit Residential, Small Residential, Large Residential, or Commercial) and the bedroom and occupancy limit.
- c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- d. Only one party of guests shall be permitted per short term rental unit.
- e. ~~There shall be an in-town property manager if the owner or operator is out of town during the time of the rental.~~
- f. e. Short term rentals shall be considered dwelling units for density purposes and subject to the minimum lot area per dwelling unit requirement of the applicable zoning district.
- f. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- h. Only legally permitted guest bedrooms shall be used for the purposes of calculating the maximum number of guests. The rental of kitchens, dining rooms, living rooms, offices, and other common spaces may be used as a part of the short term rental but shall not be rented as guest bedrooms. Studio apartments and dwelling units shall be considered to have one (1) guest bedroom and allowed a maximum of two (2) guests.

20.3.LLL.2 Short Term Rental, Commercial Standards

- a. ~~A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.~~
- b. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street or on the exterior of the front door of the dwelling unit being rented for multi-family dwellings, during all periods of occupancy and contain the license number, the contact information for the licensed operator ~~owner or in-town property manager~~, the license type (~~Temporary, Accessory, or Commercial~~) and the unit, guest bedroom and occupancy limit.
- c. Up to five (5) guest bedrooms may be rented to guests in each unit and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.
- d. Commercial Short Term Rentals shall be prohibited on the first floor of a multi-story structure that contains or can contain residential uses on subsequent floors, but (1) does

- not apply to buildings that are single- or two-family dwellings; (2) does not apply to single-story structures; (3) does not apply to the CBD Central Business Districts, EC Education Campus, MC Medical Campus, LS Life Science, and M-MU Maritime Mixed Use Districts, nor the MI Maritime Industrial Commercial and Recreational Subdistrict.
- e. A Commercial Short Term Rental shall submit the following impact management plans, to be reviewed by the Director of Safety and Permits, and all other relevant City agencies:
 - i. Noise abatement plan.
 - ii. A security and operation plan.
 - f. No more than one (1) unit or twenty-five (25) percent, whichever is greater, of total units on a lot or a single buildings constructed across lot lines shall be permitted as a Commercial Short Term Rental. This cap shall not apply to the VCE and VCE-1 Vieux Carré Entertainment Districts, to structures which front on Canal Street between the Mississippi River and Rampart Street, the EC Educational Campus District, MC Medical Campus District, LS Life Science District, or the MI Maritime Industrial District Commercial and Recreational Subdistrict.

20.3.LLL.3 Short Term Rental, Residential Standards (All Types)

- a. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- b. The short term rental shall appear outwardly to be a residential dwelling.
- c. Use of the short term rental for commercial or social events shall be prohibited.
- d. The short term rental shall not adversely affect the residential character of the neighborhood.
- e. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.
- f. No signs are allowed for a Residential Short Term Rental.
- g. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner, the license type (Partial, Small, or Large Residential) and the bedroom and occupancy limit.
- h. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).

20.3.LLL.4 Short Term Rental, Partial-Unit Residential Standards

- a. Only a portion of the dwelling shall be rented, which shall be limited to five (5) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total. There shall be at least one bedroom for the fulltime owner-occupant.

- b. The owner shall occupy the unit and be present during the party's stay. The owner shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay.

20.3.LLL.5 Short Term Rental, Small Residential Standards

- a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.
- b. Up to five (5) guest bedrooms may be rented to guests and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.
- c. The owner shall occupy the unit on-site and be present during the party's stay. The owner shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay.

20.3.LLL.6 Short Term Rental, Large Residential Standards

- a. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.
- b. Large Residential Short Term Rentals are limited to a maximum of three (3) dwelling units, nine (9) total guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom with a maximum eighteen (18) guests.
- c. The owner or resident shall occupy the unit and be present during the party's stay. The owner or resident shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay.
- d. In residential districts, only one (1) principal bed and breakfast or large residential short term rental is permitted per blockface.

[...]

~~21.6.II ACCESSORY SHORT TERM RENTALS~~

~~21.6.II.1 SHORT TERM RENTALS GENERAL STANDARDS~~

- ~~j. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.~~
- ~~k. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type~~

~~(Temporary, Accessory, or Commercial) and the bedroom and occupancy limit. But in no event shall any Accessory Short Term Rental license be issued in the Vieux Carré, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River.~~

- ~~l. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.~~
- ~~m. Only one party of guests shall be permitted per short term rental unit.~~
- ~~n. The short term rental shall appear outwardly to be a residential dwelling.~~
- ~~o. Use of the short term rentals for commercial or social events shall be prohibited.~~
- ~~p. The short term rental shall not adversely affect the residential character of the neighborhood.~~
- ~~q. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.~~
- ~~r. Proof of ownership shall be required via a valid homestead exemption.~~

~~21.6.H.2 SHORT TERM RENTAL, ACCESSORY STANDARDS~~

- ~~i. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.~~
- ~~j. For partial unit accessory short term rentals, only a portion of the dwelling shall be rented, which shall be limited to three (3) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or six (6) guests total. There shall be at least one bedroom for the fulltime owner occupant.~~
- ~~k. For partial unit accessory short term rentals, the owner shall occupy the unit and be present during the party's stay.~~
- ~~l. For all Accessory Short Term Rentals, proof of owner occupancy shall be required with a homestead exemption.~~
- ~~m. Where the accessory short term rental occupies one unit of a two family dwelling, occupancy shall be limited to two (2) guests per bedroom for a total of up to six (6) guests.~~
- ~~n. No signs are allowed for an Accessory Short Term Rental.~~

[...]

21.8.C PERMITTED TEMPORARY USES

Table 21-3: Permitted Temporary Uses				
Permitted Temporary Use	District	Timeframe	Hours of Operation	Temporary Use Standards
[...]				

Short Term Rental, Temporary	Any Zoning District where dwelling units are permitted*	Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.		Section 21.8.C.14
[...]				

**In accordance with City Council Motion M-18-195, any issuance or renewal of a Temporary Short Term Rental permit or license is prohibited in the Historic Core Districts, Historic Urban Districts, Central Business Districts, the MU-1 District, and the MU-2 District.*

[...]

~~21.8.C.14 SHORT TERM RENTAL, TEMPORARY*~~

~~21.8.C.14.a SHORT TERM RENTAL GENERAL STANDARDS~~

- ~~13. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.~~
- ~~14. All short term rentals shall require a license.~~
- ~~15. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all periods of occupancy and contain the license number, the contact information for the owner or in town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.~~
- ~~16. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.~~
- ~~17. Only one party of guests shall be permitted per short term rental unit.~~
- ~~18. The short term rental shall appear outwardly to be a residential dwelling.~~
- ~~19. For temporary short term rentals, there shall be an in town property manager available at all times if the owner or operator is out of town during the time of the rental.~~
- ~~20. Use of the short term rentals for commercial or social events shall be prohibited.~~
- ~~21. The short term rental shall not adversely affect the residential character of the neighborhood.~~
- ~~22. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.~~
- ~~23. If renter occupied and operated, proof of the property owner's consent and signature on the license application shall be required.~~
- ~~24. If renter occupied, the operator shall provide a current rental lease.~~

~~21.8.C.14.b SHORT TERM RENTAL, TEMPORARY STANDARDS*~~

- ~~7. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.~~
- ~~8. Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.*~~
- ~~9. Up to five (5) bedrooms may be rented to guests.~~
- ~~10. Occupancy shall be limited to two (2) guests per bedroom or ten (10) guests, whichever is less.~~
- ~~11. The entire dwelling can be rented and the permanent resident is not required to be present during the party's stay.~~
- ~~12. No signs are allowed for a Temporary Short Term Rental.~~

[...]

Article 22 – Off-Street Parking and Loading

22.4 Required Off-Street Vehicle Parking Spaces

22.4.A General Requirements

[...]

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
[...]			
Bed and Breakfast	1 space + 1 per 2 guestrooms (for 3 guestrooms and above) <u>1 per 2 guest bedrooms</u>		
[...]			
Hotel/Motel	0.5 per room <u>1 per 2 guest bedrooms</u>	1 per 5 rooms	
[...]			
Short Term Rental, Accessory	see applicable dwelling type		
Short Term Rental, Commercial	1 space per 2 guest <u>bedrooms</u>	1 per 5 rooms	25%
<u>Short Term Rental, Large Residential</u>	<u>1 per 2 guest bedrooms</u>	<u>1 per 5 rooms</u>	<u>25%</u>
<u>Short Term Rental, Partial-Unit and Small Residential</u>	<u>See applicable dwelling type</u>		
[...]			

Article 26 – Definitions

26.6 Definitions

[...]

Bed and Breakfast. A single-family dwelling, or other residential structure that has been legally converted to a single-family dwelling, that provides sleeping rooms for overnight paid occupancy. Bed and breakfast is further defined as follows:

A. Bed and Breakfast, Accessory. An owner-occupied ~~building designed as either a single-family or a two-family dwelling that has been converted to a single-family dwelling,~~ which provides no more than ~~four~~ five (4 ~~5~~) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

B. Bed and Breakfast, Principal. An owner- or operator-occupied single-family dwelling ~~residential structure~~ that provides no more than nine (9) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

[...]

Customary Lodging Services. Guest services provided by lodging facilities including hotels/motels, commercial short term rentals, and other lodging uses. Customary services include at a minimum 1) dedicated lobby space to adequately enable check-in/check-out procedures, and 2) personnel/staffing to assist guests at check-in/check-out.

[...]

Guest Bedroom. An enclosed room designed for, and outfitted to be used for sleeping and/or lodging of guests. A guest bedroom shall not be a shared space or a space designed for or outfitted to be used for any purpose other than sleeping or lodging of guests (e.g. kitchens, dining rooms, living rooms, parlors, attics, offices, game rooms, or utility rooms). Only legally permitted guest bedrooms shall be used for the purposes of calculating the maximum number of guests a short term rental is permitted.

[...]

Party of Guests. An individual or group renting or seeking to rent a Short Term Rental in its entirety. When occupied by a party of guests, the Short Term Rental shall not be separately rented to any other individual or party of guests.

[...]

Short Term Rental. Rental of all or any portion thereof of a residential dwelling unit for dwelling, lodging or sleeping purposes to one party of guests with duration of occupancy

of less than thirty (30) consecutive days. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in this ordinance separately from short term rentals are not considered to be short term rentals. Common bathroom facilities may be provided rather than private baths for each room. A short term rental is further defined as follows:

~~**A. Short Term Rental, Accessory.** Either (i) an owner occupied dwelling with a principal use as a permanent dwelling unit and which rents no more than three (3) guest rooms and six (6) total guests for overnight paid occupancy as an accessory use, or (ii) an owner occupied two family dwelling in which one unit of the two family dwelling is occupied by the owner with a principal use as the owner's permanent residential dwelling unit and which the other unit of the two family dwelling is rented with no more than three (3) guest rooms and six (6) total guests as an accessory use. Only one accessory short term rental shall be permitted in any two family dwelling. For either type of accessory short term rental, the owner shall occupy the unit and be present during the guest's stay.~~

~~**B. Short Term Rental, Temporary.** A residential dwelling which rents the entire unit with no more than five (5) guest rooms for overnight paid occupancy as a temporary use not to exceed ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River, where Temporary Short Term Rentals shall be prohibited. No owner or resident is required to be present during the guest's stay.~~

A. Short Term Rental, Residential. A short term rental where the owner has their permanent primary residential dwelling unit onsite and is present during the guest's stay. A short term rental owner shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay. Proof of ownership shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits.

- **Partial-Unit Residential Short Term Rental.** Rental of a portion of an owner-occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.
- **Small Residential Short Term Rental.** An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.
- **Large Residential Short Term Rental.** An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than nine (9) guest bedrooms total.

B. Short Term Rental, Commercial. An entire dwelling unit in a non-residential district that rents no more than five (5) guest rooms for overnight paid occupancy. ~~An~~

establishment providing rental of one (1) or more dwelling units for overnight paid occupancy. Each dwelling unit is limited to five (5) guest bedrooms and no more than ten (10) occupants.

[...]

E. Compliance with approval standards

The City Planning Commission recommendation and the City Council decision on any zoning text amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council are required to consider the standards in **Table 4-1 Standards for Zoning Amendments** of the Comprehensive Zoning Ordinance. In this section, the staff evaluates the application using those standards.

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

All land use actions must be consistent with, or at a minimum, not interfere with, the goals, policies and strategies of the Master Plan.⁹ This section analyzes the proposed types of short term rentals in terms of their consistency with the *Plan for the 21st Century: New Orleans 2030*, commonly known as the Master Plan. For reference, the proposed definition of each short term rental type is provided.

Short Term Rental, Residential. A short term rental where the owner has their permanent primary residential dwelling unit onsite and is present during the guest's stay. A short term rental owner shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay. Proof of ownership shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits.

- **Partial-Unit Residential Short Term Rental.** Rental of a portion of an owner-occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.
- **Small Residential Short Term Rental.** An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.
- **Large Residential Short Term Rental.** An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than nine (9) guest bedrooms total.

⁹ Master Plan, Volume 2, Chapter 14, p.14.2.

Consistency with the Plan for the 21st Century: New Orleans 2030: As a principal use of a permanent residence, the Partial and Small Short Term Rental is consistent with the Master Plan's Future Land Use categories that allow residential uses within the range of uses. The Small Short Term Rental is a dwelling. As a dwelling, the unit is used for sleeping, cooking, eating, and living. The unit may be considered a residential dwelling regardless of whether its renters are primarily short term or long term or whether it is vacant most of the time. Granted, short term rentals also have commercial characteristics in terms of providing lodging for a fee and may tend to have impacts similar to commercial uses. Property owners with a valid homestead exemption will be required during the rental of these units, which will ensure that impacts that may be more characteristic of commercial uses will be minimal. The proposed Large Residential Short Term Rental will also maintain a residence of the property-owners or operator and will be very similar in operational size and character as Principal Bed and Breakfasts, which are considered residential uses. As a residential use, the Partial, Small, and Large Short Term Rental types are consistent with the Master Plan's Future Land Use categories that allow residential uses within the range of uses.

Short Term Rental, Commercial. An establishment providing rental of one (1) or more dwelling units for overnight paid occupancy. Each dwelling unit is limited to five (5) guest bedrooms and no more than ten (10) occupants.

Consistency with the Plan for the 21st Century: New Orleans 2030: As a principal commercial use, the Commercial Short Term Rental is consistent with the Master Plan's Future Land Use categories that allow commercial uses.

The proposed short term rental definitions and the proposed zoning district permissions are **consistent** with the *Plan for the 21st Century: New Orleans 2030*.

The proposed amendment is compatible with the place designations of this Ordinance.

The proposed amendment authorizes short term rentals in zoning districts throughout the City with consideration given to the respective place designations. District permissions and standards consider the place types of the Comprehensive Zoning Ordinance.

The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The proposed text amendment would not negatively impact the public health, safety and welfare of the City since the text amendment provides a regulatory mechanism to monitor and enforce short term rentals throughout the city. The text amendment establishing the regulations for short term rentals would require operators to comply with all regulations of the Department of Safety and Permits, which should ensure the public health, safety, and welfare.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The proposed text amendment is compatible with the intent of the Comprehensive Zoning Ordinance. The Ordinance is intended to preserve and enhance the neighborhoods that constitute the city and to provide for the appropriate use of land. The Comprehensive Zoning Ordinance was developed with consideration of the character of the districts and the suitability for particular uses. The recommended use standards, zoning districts, and density limitations for short term rentals are meant to ensure the character of the City's neighborhoods remain stable and are not compromised by allowing excessive or unregulated short term rentals.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

This standard is met. The proposed amendment both add clarification to terms in the Comprehensive Zoning Ordinance and reflects a change in policy that short term rentals in residential district are only appropriate in owner-occupied dwellings. The amendment was also reflect a change in policy that would reduce the allowable district for commercial short term rentals to better align them with similar lodging uses.

The proposed amendment benefits the citizens of the City as a whole.

This standard is met. The proposed amendment would implement short term rental regulations that are designed to mitigate impacts where short term rentals would be allowed. The regulations would benefit the city since they are designed to protect neighborhood character and minimize impacts to residential areas while ensuring the safety of visitors staying in New Orleans.

The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.

The proposed amendment addresses an issue with this Ordinance in a manner that is consistent with the intent and the purpose of the Comprehensive Zoning Ordinance and the Master Plan.

The proposed amendment does not create a significant number of nonconformities.

The proposed amendment would create new Short Term Rental types that would be allowed in certain zoning districts based on their relative intensities. The staff also recommends limitations on the zoning districts that permit Commercial Short Term Rentals and comparatively greater allowances for the proposed Large Residential Short Term Rental type. Limiting the Commercial license will create a number of nonconformities in various zoning districts that will no longer permit Commercial licenses or that allow them with Conditional Use approval. Currently, there are 1,091 active commercial licenses

across the city. With the staff's recommendations, 109 (10%) would no longer be considered a permitted use in their respective district. Fifty-four (54) would be prohibited and 55 would be allowed as conditional uses. Though a number of nonconformities would result from the staff's recommendation, the creation of the Large Residential license would provide opportunities for many of these license holders. The staff estimates that approximately 87 percent of the 54 licenses that would be nonconforming could be eligible for the Large Residential license. The staff believes that the limitations on the Commercial licenses and new opportunities for a Large Residential license balances the goals to not create an excessive number of nonconformities while also preserving neighborhood character and the health of the city's business districts.

III. SUMMARY

Zoning Docket 026/19 is a request by City Council Motion M-19-4 for a text amendment to the Comprehensive Zoning Ordinance to adopt certain City Planning Commission staff recommendations and initiatives as contained in the 2018 Short Term Rental Study. The 2018 City Planning Commission Short Term Rental Study analyzed the impacts of short term rentals (STRs) in New Orleans and proposed a regulatory structure to be incorporated into the Comprehensive Zoning Ordinance and City Code. In addition to the recommendations and initiatives contained in the 2018 Short Term Rental Study, City Council Motion M-19-4 directed the City Planning Commission to specifically provide certain amendments to the Comprehensive Zoning Ordinance. The motion suggested the creation of two categories of short term rentals – “Residential” and “Commercial”, those categories are further defined as:

- Residential: Allow up to three residential licenses per lot or parcel in residential zoning districts, with a valid homestead exemption. Maximum rental of three rooms and six total guests per unit.
- Four types of commercial short term rentals;
 - Single Unit: requires valid homestead exemption, maximum rental of three rooms and six total guests;
 - Small Scale: less than five total STR units per lot, maximum rental of five rooms and ten guests per unit.
 - Large Scale Commercial Type 1: five to 49 STR units per lot, maximum rental of five rooms and ten guests per unit.
 - Large Scale Commercial Type 2: 50 or more STR units per lot, maximum rental of five rooms and ten guests per unit.

The 2018 Short Term Rental Study also recommend the creation of two types of short term rentals – residential and commercial, with two subcategories of residential, partial- and whole-unit. The Council Motion proposes allowing up to three licenses per lot of record or parcel, which is an increase from the study's recommendation of one license per lot of record. Permitting three licenses per lot of record, would allow up to nine guest bedrooms, and 18 guests per lot. This number of guests and bedrooms is comparable to a Principal Bed and Breakfast, which allows up to nine guest bedrooms. Principal Bed and Breakfasts

are more intensive uses, and thus are permitted in multi-family, mixed-use or commercial districts. The staff believes that a residential short term rental with a similar number of guest bedrooms and guests should also be restricted to multi-family, mixed-use, and commercial districts. Therefore, the staff recommends creating three types of residential short term rentals; partial-unit, small, and large:

- A **Partial-Unit Residential Short Term Rental**, which would allow partial rental of an owner-occupied dwelling unit with no more than five (5) guest bedrooms for up to ten (10) guests wherever dwelling units are permitted.
- A **Small Residential Short Term Rental**, which would allow rental of an entire dwelling unit with no more than five (5) guest bedrooms for up to ten (10) guests, provided that the property owner lives on-site in another dwelling unit, in most residential districts.
- A **Large Residential Short Term Rental**, which would allow an owner-occupied residential structure to rent up to three whole dwelling units with no more than nine (9) guest bedrooms and eighteen (18) guests in multi-family, mixed-use, and commercial districts.

City Council Motion M-19-4 proposed four types of commercial STR licenses. The four license proposals include one owner-occupied license, and three non-owner occupied licenses that scale upward in the number of units allowed. In its 2018 Short Term Rental Study, the staff recommended one commercial STR license that would allow the rental of one unit with up to five rooms. From a zoning and land use impact perspective, the distinction between the City Council's proposed short term rental types is greatest between the Single Unit and the Small Scale types. The staff does not believe that there is such a difference between Small Scale and Large Scale Types 1 and 2 to warrant a distinction in the CZO. The difference between the rental of an owner-occupied unit and a unit that is not owner-occupied provides the greatest distinction between short term rentals. The staff does agree, however, that there should be more than one license type allowed in nonresidential districts to account for the differences in scale and intensity of use between nonresidential zoning districts. The staff believes that the large residential STRs discussed above are appropriate in neighborhood-scale commercial corridors, and mixed-use districts and is recommending a limit of one large residential STR per blockface. The staff believes that STRs larger than the proposed large residential short term rental create essentially the same land-use impacts as would be expected from a hotel, and should be treated similarly. The staff believes that allowances for Commercial STRs should be equalized with that of hotels, as similar land-use impacts are expected.

In addition to the proposed definitions, the City Council Motion also directed the City Planning Commission to recommend provisions to create affordable housing using research that includes the forthcoming inclusionary zoning financial feasibility study. The financial feasibility study did not include any specific focus on commercial STRs, how they may have affected the housing markets in areas where they are located, and how they may be used to leverage the construction of affordable units. The staff recommends further

study of the possibility of utilizing commercial STRs as leverage to provide affordable housing units, and including commercial STRs as additional incentive in support of a Mandatory Inclusionary Zoning (MIZ) requirement. The City should also consider the possibility of establishing an impact fee or other mechanism to mitigate the impacts of converting permanent residential uses to other uses, such as STRs. As proposed in the 2018 Short Term Rental Study, the staff is recommending a cap of one unit, or twenty-five percent (25%) of all units, whichever is greater, on the number of units that could be permitted for STR use on any lot or single building constructed across lot lines.

The City Council motion directs the City Planning Commission to reconcile the provisions and regulations in the Comprehensive Zoning Ordinance for uniformity regarding lodging and similar uses, such as bed and breakfasts. The staff recommends allowing short term rentals in the same districts where other lodging types with similar impacts are currently permitted in the Comprehensive Zoning Ordinance. The staff recommends allowing Small Residential Short Term Rentals as permitted uses in the Historic Urban Residential Districts, and because of this, believes that Accessory Bed and Breakfasts should be permitted uses in these districts instead of conditional uses. The Large Residential type should be allowed in districts similar to that of the Principal Bed and Breakfasts, which are allowed in neighborhood corridor business districts and mixed-use districts as permitted uses and conditional uses in certain multi-family districts. Principal Bed and Breakfasts are not allowed in single- and two-family residential districts and are generally not allowed in high-intensity commercial or industrial districts. The staff's recommended Commercial Short Term Rental type should be allowed in the same districts as those similar lodging use types, such as Hotels and Motels, such as the CBD Districts and Commercial Center Districts.

The City Council requested requirements relating to security, cameras, lighting, on-site personnel, staffing, and other impact-related standards for commercial short term rentals. The staff believes that most of these would be addressed by the implementation of the STR Operator license, as recommended by the study. The City Council motion also requested several life safety and sanitary standards, which should be addressed in the City Code, Building Code, or State Law and not in the Comprehensive Zoning Ordinance.

The staff finds the proposed text amendment, as modified by staff, is consistent with the Master Plan and meets the approval standards for text amendments of **Article 4, Section 4.2.E** of the Comprehensive Zoning Ordinance. Therefore, the staff recommends modified approval of Zoning Docket 026/19.

IV. PRELIMINARY STAFF RECOMMENDATION¹⁰

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 026/19 with the following zoning text change. New language is indicated by **underlined, bold** text and deletions by ~~striketrough~~ text.

¹⁰ Subject to modification by the City Planning Commission

Article 7 – Open Space District

7.2 Uses

Table 9-1: Permitted and Conditional Uses					
Uses	District				
	OS-N	OS-G	OS-R	NA	GPD
[...]					
COMMERCIAL USE					
[...]					
Hotel/Motel					C
[...]					
<u>Short Term Rental, Commercial</u>					<u>C</u>
[...]					

[...]

Article 8 – Rural Development Districts

8.2 Uses

Table 8-1: Permitted and Conditional Uses		
Uses	District	
	R-RE	M-MU
[...]		
RESIDENTIAL USE		
[...]		
Bed and Breakfast – Accessory	P	P
Bed and Breakfast – Principal		P
[...]		
Short Term Rental, Commercial		P
<u>Short Term Rental, Large</u>		<u>P</u>
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>
[...]		
COMMERCIAL USE		
[...]		
<u>Short Term Rental, Commercial</u>		<u>P</u>

[...]

Article 9 – Historic Core Neighborhoods Residential Districts

9.2 Uses

Table 9-1: Permitted and Conditional Uses					
Uses	District				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
RESIDENTIAL USES					
Bed and Breakfast – Accessory	Discussed in ZD027/19	P	P	P	
Bed and Breakfast – Principal		C	C	C	
[...]					
Short Term Rental Large	Discussed in ZD027/19	C	C	C	
Short Term Rental Small		P	P	P	
[...]					

[...]

Article 10 – Historic Core Neighborhoods Non-Residential Districts

10.2 Uses

Table 10-1: Permitted and Conditional Uses										
Uses	District									
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM - MU
RESIDENTIAL USE										
[...]										
Bed and Breakfast – Accessory	Discussed in ZD027/19						P	P	P	
Bed and Breakfast – Principal							P	P	P	
[...]										
Short Term Rental, Commercial	Discussed in ZD027/19						P	P	P	
<u>Short Term Rental, Large</u>							<u>P</u>	<u>P</u>	<u>P</u>	
<u>Short Term Rental, Small</u>							<u>P</u>	<u>P</u>	<u>P</u>	
COMMERCIAL USE										
[...]										
Hostel	Discussed in ZD027/19							P		
Hotel/Motel								P	C	
[...]										

Table 10-1: Permitted and Conditional Uses										
Uses	District									
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM - MU
<u>Short Term Rental, Commercial</u>	Discussed in ZD027/19								<u>P</u>	<u>P</u>
[...]										

[...]

Article 11 – Historic Urban Neighborhood Residential Districts

11.2 Uses

Table 11-1: Permitted and Conditional Uses					
Uses	District				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
RESIDENTIAL USE					
[...]					
Bed and Breakfast – Accessory	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>	€ <u>P</u>
Bed and Breakfast – Principal				C	C
[...]					
<u>Short Term Rental Large</u>				<u>C</u>	<u>C</u>
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
[...]					

[...]

Article 12 – Historic Urban Neighborhoods Non-Residential Districts

12.2 Uses

Table 12-1: Permitted and Conditional Uses			
Uses	District		
	HU-B1A	HU-B1	HU-MU
RESIDENTIAL USE			
Bed and Breakfast – Accessory	P	P	P
Bed and Breakfast - Principal	P	P	P
[...]			
Short Term Rental, Commercial	€	P, C⁹	P, C⁹
<u>Short Term Rental, Large</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>
[...]			
COMMERCIAL USE			
[...]			

Table 12-1: Permitted and Conditional Uses			
Uses	District		
	HU-B1A	HU-B1	HU-MU
<u>Short Term Rental, Commercial</u>			<u>P</u>
[...]			

[...]

Table 12-1 Footnotes

[...]

⁹ ~~Permitted Commercial Short Term Rentals are limited to two (2) on one property; any Commercial STR use greater than two is a conditional use.~~

[...]

Article 13 – Suburban Neighborhoods Residential Districts

13.2 Uses

Table 13-1: Permitted and Conditional Uses				
Uses	District			
	S-RS	S-RD	S-RM1	S-RM2
RESIDENTIAL USE				
Bed and Breakfast – Accessory	P	P	P	P
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 13-1: Permitted and Conditional Uses							
Uses	District						
	S-LRS1	S-LRS2	S-LRS3	S-LDR1	S-LDR2	S-LRM1	S-LRM2
RESIDENTIAL USE							
Bed and Breakfast – Accessory					C	C	C
<u>Short Term Rental, Small</u>					<u>C</u>	<u>C</u>	<u>C</u>

[...]

Article 14 – Suburban Neighborhoods Non-Residential Districts

14.2 Uses

Table 14-1: Permitted and Conditional Uses								
Uses	District							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	S-MU
RESIDENTIAL USE								

Table 14-1: Permitted and Conditional Uses								
Uses	District							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	S-MU
[...]								
Bed and Breakfast – Accessory			P	P	P			C
Bed and Breakfast – Principal			P	P	P			
[...]								
Short Term Rental, Commercial	P	P	P	P	P	P	P	
<u>Short Term Rental, Large</u>			<u>P</u>	<u>P</u>	<u>P</u>			
<u>Short Term Rental, Small</u>			<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
[...]								
COMMERCIAL USE								
[...]								
Hotel/Motel					C		C	
[...]								
<u>Short Term Rental, Commercial</u>		<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>	
[...]								

[...]

Article 15 – Commercial Center & Institutional Campus Districts

15.2 Uses

Table 15-1: Permitted and Conditional Uses									
Uses	District								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
RESIDENTIAL USE									
Bed and Breakfast – Accessory				P	P	P			
Bed and Breakfast – Principal				P	P				
[...]									
Short Term Rental, Commercial	P	P	P	P	P	P	P		P
<u>Short Term Rental, Large</u>				<u>P</u>	<u>P</u>				
<u>Short Term Rental, Small</u>				<u>P</u>	<u>P</u>	<u>P</u>			
[...]									

Table 15-1: Permitted and Conditional Uses									
Uses	District								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
COMMERCIAL USE									
[...]									
Hotel/Motel	P	P	P	P	P	P	P	P	P
[...]									
<u>Short Term Rental, Commercial</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
[...]									

[...]

Article 16 – Centers for Industry

16.2 Uses

Table 16-1: Permitted and Conditional Uses				
Uses	District			
	LI	HI	MI	BIP
[...]				
Short Term Rental, Commercial			P*	
[...]				
COMMERCIAL USE				
[...]				
Hotel/Motel	P	C	P	P
[...]				
<u>Short Term Rental, Commercial</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>
[...]				

* Please note that Commercial Short Term Rentals are only permitted in the MI District's Commercial and Recreational Sub-District.

[...]

Article 17 – Central Business Districts

17.3 Uses

Table 17-1: Permitted and Conditional Uses							
Uses	District						
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7
RESIDENTIAL USE							
Bed and Breakfast – Accessory	P	P	P		P	P	
Bed and Breakfast – Principal	P	P	P		P	P	

Table 17-1: Permitted and Conditional Uses							
Uses	District						
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7
[...]							
Short Term Rental, Commercial	P	P	P	P	P	P	P
<u>Short Term Rental, Large</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Short Term Rental, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
[...]							
COMMERCIAL USE							
[...]							
Hotel/Motel	P	P	P	P	C	P	P
[...]							
<u>Short Term Rental, Commercial</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>
[...]							

[...]

Overlay Districts (Article 18)

18.13 RIV Riverfront Design Overlay District

18.13.H RIV-3 Bywater Sub-District Standards

18.13.H.3 Use Standards and Use Restrictions

[...]

c. Short-Term Rental Restriction

Commercial Short Term Rentals are prohibited within the RIV-3 Bywater Sub-District

[...]

18.13.I RIV-4 Marigny Sub-District Standards

18.13.I.3 Use Standards and Use Restrictions

[...]

c. Short-Term Rental Restriction

Commercial Short Term Rentals are prohibited within the RIV-4 Marigny Sub-District

[...]

Temporary Provisions (Article 19)

~~19.4.A.1.h SHORT TERM RENTAL INTERIM ZONING DISTRICT~~

~~F. Intent. The intent of the Short Term Rental Interim Zoning District is to temporarily prohibit the issuance or renewal of certain types of Short Term Rental permits or licenses while the City Planning Commission studies the impact and considers revisions to the existing Short Term Rental regulations.~~

~~G. Boundaries. The Short Term Rental Interim Zoning District applies to the Historic~~

~~Core and Historic Urban zoning districts, both residential and non-residential, the Central Business District zoning districts, the MU 1 Medium Intensity Mixed Use District, and the MU 2 High Intensity Mixed Use District.~~

~~H. Limitation on Uses. The Short Term Rental Interim Zoning District prohibits:~~

~~a. Any issuance or renewal of a Temporary Short Term Rental permit or license, effectively modifying Article 21, Section 21.8.C.~~

~~b. Any issuance of a Commercial Short Term Rental permit or license for STR use on the first floor of a multi-story, multi-family, non-residential, or mixed-use building, with the exception of single-family dwellings and two-family dwellings, effectively modifying Article 10, Section 10.2.A – Permitted and Conditional Uses, Article 12, Section 12.2.A – Permitted and Conditional Uses, Article 15, Section 15.2.A – Permitted and Conditional Uses, and Article 17, Section 17.3.A – Permitted and Conditional Uses.~~

~~I. Submittal Requirements. Every appeal shall be made on the forms provided by the City, and shall be accompanied by the payment of the appropriate filing fee, and the data required in such form. The completeness of appeal application shall be determined and the appellant or applicant shall be appropriately notified in accordance with Article 3, Section 3.2.B. of the Comprehensive Zoning Ordinance. The Executive Director of the City Planning Commission may request from the appellant or applicant such additional information and data as may be required to fully advise the Commission, whether such information and data is called for by the official forms or not.~~

~~J. Appeal Procedure. Appeals shall be submitted to the Executive Director of the City Planning Commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following review standards:~~

~~a. Is the required appeal compatible with the surrounding land uses and structures?~~

~~b. Does the requested appeal provide for an efficient use of land?~~

~~c. Will granting the requested appeal increase traffic and safety hazards?~~

~~d. Does the requested appeal provide for an efficient parking layout?~~

~~e. Will the requested appeal increase community environmental impacts?~~

~~The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion.~~

[...]

Article 20 – Use Standards

20.3 – Use Standards

[...]

20.3.I BED AND BREAKFAST

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

~~20.3.I.1 BED AND BREAKFAST GENERAL STANDARDS (ACCESSORY OR PRINCIPAL)~~

~~In any residential district, only one (1) bed and breakfast, whether accessory or principal, is permitted per blockface.~~

20.3.I.12 BED AND BREAKFAST ACCESSORY STANDARDS

a. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).

~~b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, it may be included in the operation of the bed and breakfast.~~

b. e. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no appearance of a business use other than a permitted sign.

c. ~~d.~~ The bed and breakfast may have one (1) attached projecting sign not to exceed four (4) square feet in area. The sign shall complement the architecture of the structure.

d. ~~e.~~ The bed and breakfast is limited to a maximum of four (4) units for overnight accommodation.

e. f. Cooking facilities are prohibited in individual guest rooms.

f. ~~g.~~ If meals are provided, only registered guests may be served.

g. ~~h.~~ Leasing of a common dining area for social events is prohibited.

20.3.I.23 BED AND BREAKFAST PRINCIPAL STANDARDS

a. Proof of owner or operator occupancy shall be established by submission of proof of a homestead exemption (owner) or legal leasing agreement (operator) submitted to the Department of Safety and Permits.

~~b. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically used together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, for at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.~~

b. e. All signs shall comply with applicable sign regulations for the zoning district.

c. ~~d.~~ The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.

d. e. Cooking facilities are prohibited in individual guest rooms.

e. f. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.

f. ~~g.~~ Leasing of common areas for social events shall be allowed, provided the facility meets all applicable off-street parking requirements and complies with the noise ordinance and all other provisions of the City Code.

g. In residential districts, only one (1) principal bed and breakfast or large residential short term rental is permitted per blockface.

20.3.LLL Short Term Rentals

20.3.LLL.1 Short Term Rentals General Standards

- f. In addition to the ~~regulations~~ use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- g. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (~~Temporary, Accessory,~~ Partial Unit Residential, Small Residential, Large Residential, or Commercial) and the bedroom and occupancy limit.
- h. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- i. Only one party of guests shall be permitted per short term rental unit.
- j. ~~There shall be an in-town property manager if the owner or operator is out of town during the time of the rental.~~
- ~~f. e.~~ Short term rentals shall be considered dwelling units for density purposes and subject to the minimum lot area per dwelling unit requirement of the applicable zoning district.
- f. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- h. Only legally permitted guest bedrooms shall be used for the purposes of calculating the maximum number of guests. The rental of kitchens, dining rooms, living rooms, offices, and other common spaces may be used as a part of the short term rental but shall not be rented as guest bedrooms. Studio apartments and dwelling units shall be considered to have one (1) guest bedroom and allowed a maximum of two (2) guests.

20.3.LLL.2 Short Term Rental, Commercial Standards

- ~~g. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.~~
- h. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street or on the exterior of the front door of the dwelling unit being rented for multi-family dwellings, during all periods of occupancy and contain the license number, the contact information for the licensed operator ~~owner or in-town property manager~~, the license type (~~Temporary, Accessory, or Commercial~~) and the unit, guest bedroom and occupancy limit.
- i. Up to five (5) guest bedrooms may be rented to guests in each unit and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.
- j. Commercial Short Term Rentals shall be prohibited on the first floor of a multi-story structure that contains or can contain residential uses on subsequent floors, but (1) does

- not apply to buildings that are single- or two-family dwellings; (2) does not apply to single-story structures; (3) does not apply to the CBD Central Business Districts, EC Education Campus, MC Medical Campus, LS Life Science, and M-MU Maritime Mixed Use Districts, nor the MI Maritime Industrial Commercial and Recreational Subdistrict.
- k. A Commercial Short Term Rental shall submit the following impact management plans, to be reviewed by the Director of Safety and Permits, and all other relevant City agencies:
 - iii. Noise abatement plan.
 - iv. A security and operation plan.
 - l. No more than one (1) unit or twenty-five (25) percent, whichever is greater, of total units on a lot or a single buildings constructed across lot lines shall be permitted as a Commercial Short Term Rental. This cap shall not apply to the VCE and VCE-1 Vieux Carré Entertainment Districts, to structures which front on Canal Street between the Mississippi River and Rampart Street, the EC Educational Campus District, MC Medical Campus District, LS Life Science District, or the MI Maritime Industrial District Commercial and Recreational Subdistrict.

20.3.LLL.3 Short Term Rental, Residential Standards (All Types)

- o. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- p. The short term rental shall appear outwardly to be a residential dwelling.
- q. Use of the short term rental for commercial or social events shall be prohibited.
- r. The short term rental shall not adversely affect the residential character of the neighborhood.
- s. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.
- t. No signs are allowed for a Residential Short Term Rental.
- u. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner, the license type (Partial, Small, or Large Residential) and the bedroom and occupancy limit.
- v. Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).

20.3.LLL.4 Short Term Rental, Partial-Unit Residential Standards

- c. Only a portion of the dwelling shall be rented, which shall be limited to five (5) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total. There shall be at least one bedroom for the fulltime owner-occupant.

- d. The owner shall occupy the unit and be present during the party's stay. The owner shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay.

20.3.LLL.5 Short Term Rental, Small Residential Standards

- d. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.
- e. Up to five (5) guest bedrooms may be rented to guests and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.
- f. The owner shall occupy the unit on-site and be present during the party's stay. The owner shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay.

20.3.LLL.6 Short Term Rental, Large Residential Standards

- e. If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.
- f. Large Residential Short Term Rentals are limited to a maximum of three (3) dwelling units, nine (9) total guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom with a maximum eighteen (18) guests.
- g. The owner or resident shall occupy the unit and be present during the party's stay. The owner or resident shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay.
- h. In residential districts, only one (1) principal bed and breakfast or large residential short term rental is permitted per blockface.

[...]

~~21.6.II ACCESSORY SHORT TERM RENTALS~~

~~21.6.II.1 SHORT TERM RENTALS GENERAL STANDARDS~~

- ~~s. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.~~
- ~~t. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type~~

~~(Temporary, Accessory, or Commercial) and the bedroom and occupancy limit. But in no event shall any Accessory Short Term Rental license be issued in the Vieux Carré, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River.~~

- ~~u. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.~~
- ~~v. Only one party of guests shall be permitted per short term rental unit.~~
- ~~w. The short term rental shall appear outwardly to be a residential dwelling.~~
- ~~x. Use of the short term rentals for commercial or social events shall be prohibited.~~
- ~~y. The short term rental shall not adversely affect the residential character of the neighborhood.~~
- ~~z. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.~~
- ~~aa. Proof of ownership shall be required via a valid homestead exemption.~~

~~21.6.H.2 SHORT TERM RENTAL, ACCESSORY STANDARDS~~

- ~~w. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.~~
- ~~x. For partial unit accessory short term rentals, only a portion of the dwelling shall be rented, which shall be limited to three (3) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or six (6) guests total. There shall be at least one bedroom for the fulltime owner occupant.~~
- ~~y. For partial unit accessory short term rentals, the owner shall occupy the unit and be present during the party's stay.~~
- ~~z. For all Accessory Short Term Rentals, proof of owner occupancy shall be required with a homestead exemption.~~
- ~~aa. Where the accessory short term rental occupies one unit of a two family dwelling, occupancy shall be limited to two (2) guests per bedroom for a total of up to six (6) guests.~~
- ~~bb. No signs are allowed for an Accessory Short Term Rental.~~

[...]

21.8.C PERMITTED TEMPORARY USES

Table 21-3: Permitted Temporary Uses				
Permitted Temporary Use	District	Timeframe	Hours of Operation	Temporary Use Standards
[...]				

Short Term Rental, Temporary	Any Zoning District where dwelling units are permitted*	Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.		Section 21.8.C.14
[...]				

**In accordance with City Council Motion M-18-195, any issuance or renewal of a Temporary Short Term Rental permit or license is prohibited in the Historic Core Districts, Historic Urban Districts, Central Business Districts, the MU-1 District, and the MU-2 District.*

[...]

~~21.8.C.14 SHORT TERM RENTAL, TEMPORARY*~~

~~21.8.C.14.a SHORT TERM RENTAL GENERAL STANDARDS~~

- ~~25. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.~~
- ~~26. All short term rentals shall require a license.~~
- ~~27. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all periods of occupancy and contain the license number, the contact information for the owner or in town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.~~
- ~~28. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.~~
- ~~29. Only one party of guests shall be permitted per short term rental unit.~~
- ~~30. The short term rental shall appear outwardly to be a residential dwelling.~~
- ~~31. For temporary short term rentals, there shall be an in town property manager available at all times if the owner or operator is out of town during the time of the rental.~~
- ~~32. Use of the short term rentals for commercial or social events shall be prohibited.~~
- ~~33. The short term rental shall not adversely affect the residential character of the neighborhood.~~
- ~~34. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.~~
- ~~35. If renter occupied and operated, proof of the property owner's consent and signature on the license application shall be required.~~
- ~~36. If renter occupied, the operator shall provide a current rental lease.~~

~~21.8.C.14.b SHORT TERM RENTAL, TEMPORARY STANDARDS*~~

13. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
14. Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.*
15. Up to five (5) bedrooms may be rented to guests.
16. Occupancy shall be limited to two (2) guests per bedroom or ten (10) guests, whichever is less.
17. The entire dwelling can be rented and the permanent resident is not required to be present during the party's stay.
18. No signs are allowed for a Temporary Short Term Rental.

[...]

Article 22 – Off-Street Parking and Loading

22.4 Required Off-Street Vehicle Parking Spaces

22.4.A General Requirements

[...]

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces
[...]			
Bed and Breakfast	1 space + 1 per 2 guestrooms (for 3 guestrooms and above)- <u>1 per 2 guest bedrooms</u>		
[...]			
Hotel/Motel	0.5 per room <u>1 per 2 guest bedrooms</u>	1 per 5 rooms	
[...]			
Short Term Rental, Accessory	see applicable dwelling type		
Short Term Rental, Commercial	1 space per 2 guest <u>bedrooms</u>	1 per 5 rooms	25%
<u>Short Term Rental, Large Residential</u>	<u>1 per 2 guest bedrooms</u>	<u>1 per 5 rooms</u>	<u>25%</u>
<u>Short Term Rental, Partial-Unit and Small Residential</u>	<u>See applicable dwelling type</u>		
[...]			

Article 26 – Definitions

26.6 Definitions

[...]

Bed and Breakfast. A single-family dwelling, or other residential structure that has been legally converted to a single-family dwelling, that provides sleeping rooms for overnight paid occupancy. Bed and breakfast is further defined as follows:

A. Bed and Breakfast, Accessory. An owner-occupied ~~building designed as either a single-family or a two-family dwelling that has been converted to a single-family dwelling,~~ which provides no more than ~~four~~ five (4 ~~5~~) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

B. Bed and Breakfast, Principal. An owner- or operator-occupied single-family dwelling ~~residential structure~~ that provides no more than nine (9) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

[...]

Customary Lodging Services. Guest services provided by lodging facilities including hotels/motels, commercial short term rentals, and other lodging uses. Customary services include at a minimum 1) dedicated lobby space to adequately enable check-in/check-out procedures, and 2) personnel/staffing to assist guests at check-in/check-out.

[...]

Guest Bedroom. An enclosed room designed for, and outfitted to be used for sleeping and/or lodging of guests. A guest bedroom shall not be a shared space or a space designed for or outfitted to be used for any purpose other than sleeping or lodging of guests (e.g. kitchens, dining rooms, living rooms, parlors, attics, offices, game rooms, or utility rooms). Only legally permitted guest bedrooms shall be used for the purposes of calculating the maximum number of guests a short term rental is permitted.

[...]

Party of Guests. An individual or group renting or seeking to rent a Short Term Rental in its entirety. When occupied by a party of guests, the Short Term Rental shall not be separately rented to any other individual or party of guests.

[...]

Short Term Rental. Rental of all or any portion thereof of a residential dwelling unit for dwelling, lodging or sleeping purposes to one party of guests with duration of occupancy of less than thirty (30) consecutive days. Hotels, motels, bed and breakfasts, and other land

uses explicitly defined and regulated in this ordinance separately from short term rentals are not considered to be short term rentals. Common bathroom facilities may be provided rather than private baths for each room. A short term rental is further defined as follows:

- ~~A. Short Term Rental, Accessory.~~** ~~Either (i) an owner occupied dwelling with a principal use as a permanent dwelling unit and which rents no more than three (3) guest rooms and six (6) total guests for overnight paid occupancy as an accessory use, or (ii) an owner occupied two family dwelling in which one unit of the two family dwelling is occupied by the owner with a principal use as the owner's permanent residential dwelling unit and which the other unit of the two family dwelling is rented with no more than three (3) guest rooms and six (6) total guests as an accessory use. Only one accessory short term rental shall be permitted in any two family dwelling. For either type of accessory short term rental, the owner shall occupy the unit and be present during the guest's stay.~~
- ~~B. Short Term Rental, Temporary.~~** ~~A residential dwelling which rents the entire unit with no more than five (5) guest rooms for overnight paid occupancy as a temporary use not to exceed ninety (90) days per year, except in the Vieux Carré, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River, where Temporary Short Term Rentals shall be prohibited. No owner or resident is required to be present during the guest's stay.~~
- B. Short Term Rental, Residential.** A short term rental where the owner has their permanent primary residential dwelling unit onsite and is present during the guest's stay. A short term rental owner shall be present to check guests into the short term rental, available to respond to complaints, and will sleep on premises during the guest's stay. Proof of ownership shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits.
- **Partial-Unit Residential Short Term Rental.** Rental of a portion of an owner-occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.
 - **Small Residential Short Term Rental.** An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.
 - **Large Residential Short Term Rental.** An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than nine (9) guest bedrooms total.
- C. Short Term Rental, Commercial.** An entire dwelling unit in a non-residential district that rents no more than five (5) guest rooms for overnight paid occupancy. An establishment providing rental of one (1) or more dwelling units for overnight paid occupancy. Each dwelling unit is limited to five (5) guest bedrooms and no more than

ten (10) occupants.

[...]

V. REASON FOR RECOMMENDATION

1. The requested amendment would provide an amended framework for the regulation of short term rentals by defining more appropriate license types, operational sizes, and suitable zoning districts in the Comprehensive Zoning Ordinance.
2. The requested amendment would better align short term rental regulations with those of similar lodging use including hotels, motels, and bed and breakfasts.
3. The requested text amendment is compatible with the approval standards and is consistent with the Master Plan.

ED 026/19
3/12 CPC
mtg.

MOTION

NO. M-19-4

CITY HALL: January 10, 2019
JL6 III JAB

BY: COUNCILMEMBERS GISLESON PALMER, GIARRUSSO, BANKS AND
HWM MORENO

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to consider amendments to Ordinance No. 4264 M.C.S., amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to incorporate certain recommendations and initiatives contained in the 2018 "Short Term Rental Study", to specifically provide desired CZO text amendments as follows:

- **Establish only two categories for short term rental permitting/licensure and land use – "Residential" and "Commercial".**
 - **Residential Short Term Rental License – one type – which is valid in residential zoning districts, subject to the following requirements:**
 1. A valid, homestead exemption for the licensed property;
 2. Up to three licenses per lot of record or parcel (appropriate terminology to be recommended by the City Planning Commission); and
 3. Limit rentals to up to three rooms and six total guests per unit.
 - **Commercial Short Term Rental Licenses – four types - which are valid in mixed-use and commercial zoning districts, subject to the following requirements:**
 - a. **Commercial License – Single Unit**
 1. A valid, homestead exemption for the licensed unit; and
 2. Limit rentals to up to three rooms and six total guests per unit.
 - b. **Commercial License – Small Scale**
 1. Less than five total licensed units; and
 2. Limit rentals for up to five rooms and ten guests per unit.

- c. **Commercial License – Large Scale Commercial Type 1**
 - 1. Five (5) to forty-nine (49) residential units on one lot of record or parcel; and
 - 2. Up to five rooms and ten guests per unit.
 - d. **Commercial License – Large Scale Commercial Type 2**
 - 1. Fifty (50) or more residential units on one lot of record or parcel; and
 - 2. Up to five rooms and ten guests per unit.
- For “small scale commercial” and “large scale commercial” short term rentals, using research that includes the forthcoming inclusionary zoning financial feasibility study, recommend provisions to create affordable housing.
- For “small scale commercial” and “large scale commercial” short term rentals, recommend spacing restrictions in the mixed-use land use districts, including the possibility of one short term rental permit per block face.
- For “large scale commercial type 1” short term rentals, establish security requirements that include provisions for cameras, lighting, and landscaping.
- For “large scale commercial type 2” short term rentals, establish security requirements that include provisions for cameras, lighting, landscaping, 24/7 on-site security guard(s), and a front desk to be staffed at all times.
- For “large scale commercial” short term rentals, establish additional life safety requirements for units within high rise structures.
 - This includes adequate protection for life safety in every structure as defined in La. R.S. 40:1573, via compliance with applicable rules and regulations contained in the Life Safety Code of the National Fire Protection Association, and Section 518 – Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code, that are applicable to high rise structures. (Similar to Louisiana Revised Statutes 40:1578.6.)
- For “large scale commercial” short term rentals, mandate the placement on the back of the main entry door to the unit a map indicating where the exits are located in case of fire or other emergency. (Similar to Louisiana Revised Statutes 40:1580.)
- For all short term rental units, establish requirements that all sleeping rooms be equipped with a fire/smoke alarm detection system.
- For all short term rental units, establish bed linen requirements, whereby each short term rental unit shall furnish clean and fresh bed linens, unused by any other person since the last laundering thereof, on all beds assigned to the use of any guest or patron. (Similar to Louisiana Revised Statutes 21:1 Bed Linens.)

- For all short term rental units, establish bathroom and toilet facility sanitation requirements, whereby every owner, manager, or person in charge of the conduct of any short term rental unit shall keep the closets, bathrooms, and toilet facilities provided for the use of its guests and patrons cleaned and maintained in a sanitary condition.
- For all short term rental units, establish anti-discrimination provisions, prohibiting any discrimination based on race, religion, national origin, age, sex, gender identity, sexual orientation, HIV/AIDS, or physical/mental disability. Any such violation shall terminate a STR license.
- Reconcile CZO provisions and regulations for uniformity regarding lodging and similar uses, such as bed and breakfasts, in light of this review.
- Establish an outright prohibition in the French Quarter, except for the VCE zoning district.
- Establish an outright prohibition in the Garden District.

BE IT FURTHER MOVED, That in the process of studying and reviewing this request, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance, as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

BE IT FURTHER MOVED, That City Planning Commission Staff has the discretion to review this request in one or more zoning dockets.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Banks, Brossett, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL